

STAFF SUMMARY FOR JUNE 14-15, 2023

2. GENERAL PUBLIC COMMENT**Today's Item****Information** ☒**Action** ☐

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Summary of Previous/Future Actions

- **Today receive requests, petitions, and comments** **June 14-15, 2023**
- Consider granting, denying, or referring August 22-23, 2023

Background

This item is to provide the public an opportunity to address the Commission on topics not on the agenda. Staff may include written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by the written comment deadline), or as supplemental comments at the meeting (if received by the supplemental comment deadline).

General public comments are categorized into two types: (1) requests for non-regulatory action and (2) informational-only comments. Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or take action on any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, non-regulatory requests generally follow a two-meeting cycle (receipt and direction); the Commission will determine the outcome of the non-regulatory requests received at today's meeting at the next regularly-scheduled Commission meeting, following staff evaluation (currently August 22-23, 2023).

Significant Public Comments

1. New, non-regulatory requests are summarized in Exhibit 1, and the original requests are provided as exhibits 2 and 3.
2. Informational comments are provided as exhibits 4 through 16.

Recommendation

Commission staff: Consider whether to add any future agenda items to address issues that are raised during public comment.

Exhibits

1. [Summary of new non-regulatory requests received by June 1, 2023 at 5:00 p.m.](#)
2. [Email from Frank Galea, including supportive documents, requesting to add to a future agenda the issue of hunting closures at the Lake Earl Wildlife Area, received May 3, 2023](#)
3. [Letter from Robert T. Parkhurst, Councilmember, City of Sierra Madre, requesting that the Commission add to a future agenda the issue of bear encounters with humans in Sierra Madre, received May 22, 2023](#)

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4. [Email from Jack Dvorkin requesting intervention against a housing development in the City of Half Moon Bay based on environmental impact concerns, received May 31, 2023](#)
5. [Email from Geoff Shester sharing materials released by Oceana regarding its set gillnet bycatch campaign, received April 17, 2023](#)
6. [Email from Patricia McPherson regarding Commission and Department management of Ballona Wetlands and transmitting links to various documents and videos, received May 4, 2023](#)
7. [Email from Kerry Kriger transmitting a link to an article about live bullfrog shipments, received May 4, 2023](#)
8. [Email from Linda Gray regarding conditions in live animal wet markets, received May 6, 2023](#)
9. [Email from Capt. William Smith regarding groundfish regulations and what he states are new limitations placed on possession and transit of fish in certain areas, received May 7, 2023](#)
10. [Email from Patricia McPherson transmitting a video link regarding Ballona Wetlands, received May 12, 2023](#)
11. [Email from Eric Mills stating that the American Bullfrog and Non-native Turtles Stakeholder Engagement Project has been ineffective, received May 18, 2023](#)
12. [Email from Alton Parker stating that the D17 premium hunt's low success rate does not justify premium status, received May 20, 2023](#)
13. [Email from Eric Mills transmitting a link to an article in The Mercury News regarding American bullfrog and frog jumping contests, and a letter printed in the East Bay Times and The Mercury News, received May 20, 2023](#)
14. [Email from Richard Smith stating opposition to regulation change petition 2022-01, which seeks to ban waterfowl hunting in Southampton Bay near Benicia, received May 29, 2023](#)
15. [Four sample emails from ten received from various Benicia residents stating support for regulation change petition 2022-01, which seeks to ban waterfowl hunting in Southampton Bay near Benicia, received between May 28 and June 1, 2023](#)
16. [Email from Caitlynn Birch transmitting Oceana's set gillnet report, received May 31, 2023](#)
17. [Resolution from the Chemehuevi Tribal Council requesting that western Joshua tree be listed as threatened under the California Endangered Species Act and requesting the opportunity to comment upon and engage in government-to-government consultations regarding any decisions impacting western Joshua tree, received April 26, 2023](#)

Motion (N/A)

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR NON-REGULATORY REQUESTS RECEIVED BY 5:00 PM ON
JUNE 1, 2023 PUBLIC COMMENT DEADLINE FOR THIS MEETING

Date Received	Name/Organization of Requestor	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
5/3/2023	Frank Galea, Del Norte Waterfowlers	Lake Earl Wildlife Area Hunting Closures	Requests organization's concerns about hunting closures on the Lake Earl Wildlife Area be added to a CFGC meeting agenda.	6/14-15/23	8/22-23/23
5/22/2023	City of Sierra Madre	Human Encounters with Bears	Requests that CFGC agendaize an item regarding human and bear encounters in Sierra Madre at its next available meeting	6/14-15/23	8/22-23/23
5/31/2023	Jack Dvorkin	Half Moon Bay Housing Development	Requests intervention against a housing development in Half Moon Bay due to environmental impact concerns.	6/14-15/23	8/22-23/23

Closures at Lake Earl Wildlife Area (LEWA)

Frank Galea [REDACTED]

Wed 05/03/2023 11:54 PM

To:FGC <FGC@fgc.ca.gov>;jeff_reed [REDACTED]

To the California Fish and Game Commission:

I am writing you on behalf of the Del Norte Waterfowlers group of 120 members in Del Norte County. We are very concerned that managers of LEWA are insisting on area hunting closures in order to allow invasive beach grass removal.

We have demonstrated time and again that closures are not necessary, as we have provided a schedule where the work can be done without the need for hunting closures, however CDFW personnel "disagree with our schedule". We have not made progress at the regional level, therefore we would like to make our case directly before the Commission so that you can see the logic in our argument.

We would appreciate being able to be on the agenda in August for your Fortuna meeting, as it is close to Del Norte County. Thank you very much.

Sincerely,

Frank Galea

Certified Wildlife Biologist, M.S.

RE: Closures at Lake Earl Wildlife Area (LEWA)

Jeff Reed [REDACTED]

Thu 06/01/2023 09:40 AM

To:FGC <FGC@fgc.ca.gov>

Cc:Frank Galea [REDACTED] Sherman Jackson [REDACTED]

Attached are files related our request to the Commission to consider looking into the unnecessary hunting closures on the south end of Lake Tolowa within the Lake Earl Wildlife Area in Del Norte County.

These files include a brief statement on the issue, a background statement, related maps, an email thread between CDFW staff and the Tolowa Dune Steward Director, and a letter to CDFW from the Del Norte Fish and Advisory Commission expressing opposition to these closures.

Thank you for all the additional information in the thread below.

We would be amenable to discussing this further with an interested Commissioner, perhaps Commissioner Jacque Hostler-Carmesin. We would even be willing to travel to McKinleyville to meet with her in person at her convenience.

Thank You,

Jeff Reed /

For the 140 members of the Del Norte Waterfowlers

[REDACTED]

From: Bartolotta, Charles [REDACTED]
Sent: Thursday, October 28, 2021 9:39 AM
To: sandra jerabek
Cc: Fresz, Shawn [REDACTED] Kemp, Frank [REDACTED]
Subject: Closure of Southern portion of Lake Tolowa

Morning Sandra,

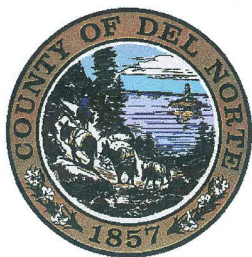
I was contacted by a local waterfowler who has concerns about the closure of southern portion of Lake Tolowa. He raised some very valid points about the amount of the amount days it was closed and the need for the closure for such an extended period of time. As a wildlife area manager and waterfowl hunter I have to balance the needs of our hunting community versus other priorities on our lands. While the importance of Ammophila removal cannot be understated, there needs to be a compromise in the duration of the closure. I believe the approximate 30 days of total closure that comprise of every Wednesday, Friday and one Sunday a month seemed unnecessary, considering that hunters have only a limited time, third week in October until the end of January, in which to hunt and that is further shortened by weather, migration and water level.

I have to consider that the waterfowl season is only three months and that Ammophila can be removed during the remaining nine months and so I have made the decision to remove the closure with the exception of the first Sunday of the month. The closure will be lifted October 31st. I did not make this decision lightly, but I must compromise between several user groups.

I want to again thank you and your volunteers for the amazing work you do to restore the dune habitat. The results are amazing and we will benefit for years to come.

Sincerely,

Charles Bartolotta
California Department of Fish and Wildlife
Wildlife Habitat Supervisor II
R1/NCR/Lands
619 2nd St. Eureka, CA. 95501
Cell: (707) 498-9072
Fax: (707) 445-6664



COUNTY OF DEL NORTE

Fish and Game Advisory Commission

Advisory body to the Del Norte County Board of Supervisors on fish, wildlife, recreation, and natural resource issues

981 H Street

Jimmy Faulkner
Chairman

Rob Miller
Vice-Chairman

District 1:

Jimmy Faulkner

District 2:

Rob Miller

District 3:

Michael Coopman

District 4:

Helen Ferguson

Jaytuk Steinruck

District 5:

Kendell Smith

Job Silva

Secretary:

Jacki Bennett

Mr. Jeff Stoddard
California Department of Fish and Wildlife

October 12, 2022

Dear Sir,

The Del Norte Fish and Game Commission is opposed to any an all hunting closures on the Lake Earl Wildlife Area in Del Norte County during the legal Balance of State Waterfowl Hunting Season, regardless of what work is being conducted, such as vegetation removal or dune restoration.

Waterfowl hunters in Del Norte County have lost access to and hunting opportunity on over 1,500 acres of local public lands in the last 40 years. Therefore, every potential acre or access point taken away is of great importance to them.

Our Commission has heard testimony from our constituents regarding this issue, especially from the Del Norte Waterfowlers, a recreation group with over seventy members. Based on their testimony, we see no reason for hunting closures to occur.

Highlights of the Del Norte Waterfowlers testimony include the following point regarding this issue:

The California Coastal Development Permit for that vegetation removal project clearly states in Section F, Public Coastal Access: "The proposed project would not restrict existing authorized uses of the subject site." Waterfowl hunting is a long-standing authorized use of the "subject site".


The Permit for vegetation removal, in Sectional E., *Environmentally Sensitive Habitat Areas*, clearly delineates when and how vegetation removal and dune restoration can be accomplished outside of the waterfowl hunting season. The Snowy Plover non-breeding season is September 15 - February 15. Waterfowl season is roughly 100 days of those 5 months. This leaves roughly 45 days for vegetation removal and restoration during the non-breeding season before and after the waterfowl hunting season. Furthermore Section E, also makes clear how project work can be done during the breeding/nesting season - February 16 through September 14, roughly 210 days during that time. This allows for a total of roughly 255 days of the year to do this work outside of the waterfowl hunting season.

The Permit also states that vegetation removal can occur during the nesting season if a Snowy Plover monitor is on site to keep workers 100 meters away from plovers, and that if four consecutive surveys spaced a minimum of four days apart result in no plover detections, then all restrictions to vegetation removal can be lifted, even during the breeding season. Our Commission prefers that a biological monitor be utilized to protect the plovers, instead of California Department of Fish and Wildlife enforcing hunting closures.

While we applaud the efforts to control invasive beach grass and to enhance habitat for the Snowy Plover, our Commission sees no logical reason for any hunting closures. There are hundreds of acres to

remove vegetation away from the lake during the waterfowl season, and plenty of time outside of the waterfowl hunting season for vegetation removal work in areas normally used for hunting.

Thank you,

A handwritten signature in dark ink, appearing to read "Jimmy Faulkner". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jimmy Faulkner

Del Norte County Fish and Game Commission Chair

Good Morning Commissioners and everyone in attendance. My name is Jeff Reed and I'm speaking to you on behalf of the 140 members of the Del Norte Waterfowlers regarding unnecessary waterfowl hunting closures on the Lake Earl Wildlife Area here on the North Coast.

During the 21/22 and 22/23 hunting season the waterfowl hunting closures were for 32 days and 40 days and encompassed 19 acres and 94 acres respectively, during the waterfowl season. These closures were deemed necessary by CDFW (the Department) for restoration worker safety. Restoration work was performed on site for only 28% of the total 72 hunting closure days encompassing both waterfowl seasons.

Neither the 2012 Lake Earl Wildlife Area Dune Restoration Plan submitted by the Department, nor the 2012 Coastal Development Permit # 1-12-007 for "Dune Restoration" nor the related Coastal Commission Staff report mention waterfowl hunting closures.

In fact, in approving the 2012 Coastal Development Permit, the California Coastal Commission Staff Report F12b, concluded in Section F. that "The public uses the waveslope and project areas for beachcombing, horse-back riding, nature study and other uses. **The proposed project would not restrict existing authorized uses of the subject site.**"

Waterfowl hunting is an existing authorized use of the subject site.

At a Department "Public Outreach" meeting in October of 2022 the Del Norte Waterfowlers submitted 273 individual comments to the Department in opposition to hunting closures related to dune restoration, pointing out that there are approximately 250 days available for dune restoration work that can be accomplished outside of the waterfowl season. We referenced the 2012 Dune Restoration Plan and related 2012 Coastal Develop Permit which both include specific USFWS furnished Technical Guidance to protect Snowy Plovers year-round during restoration work. That Technical Guidance describes the very minimal conditions placed on doing work during those 250 days so there is no take of Snowy Plovers. Dune restoration does occur on the Lake Earl Wildlife Area and surrounding public lands all year round, so we see no reason why that same type work on the 34 acres within the permitted "Project Area" that is closed to hunting can't be done outside of waterfowl season.

Also in October 2022 the Del Norte Fish and Game Advisor Commission sent a letter to CDFWs Region 1 Lands and Wildlife Program Manager Jeff Stoddard expressing their opposition to these hunting closures.

[Maybe skip this section](#)

[Additionally we believe that several potential violations of some of the conditions of the Coastal Development Permit have occurred. These include but are not limited to: not commencing the project work within the designated time frame \(2 years\); disregarding USFWS wetland protection mitigation conditions \(barriers, fencing, parking\) ; disregarding the USFWS provided complete Snowy Plover Mitigation conditions to allow for year round work; and USFWS provided required annual reporting and analysis of work accomplishment and subsequent adaptive management actions.](#)

In closing, we have no objection to restoration work performed in accordance with the "work plan" and "permit", only the scheduling and planning where it unnecessarily overlaps with the lawful balance of state waterfowl season and the resulting loss of acreage for waterfowl hunting opportunity and access however minimal in the eyes of the Department. Last year's closure area reached 90 acres of the 420 acres on and around Lake Tolowa that are normally open to hunting.

In the last 20 years Del Norte County waterfowlers have lost access to and waterfowl hunting opportunity on over 1500 acres of public lands owned and or managed by State Agencies.

We are asking the Commission to look into this issue and help resolve this unnecessary loss of hunting access and opportunity. If the Commission could place this on their August meeting agenda in Fortuna we can attend and provide additional information and answer any questions you may have.

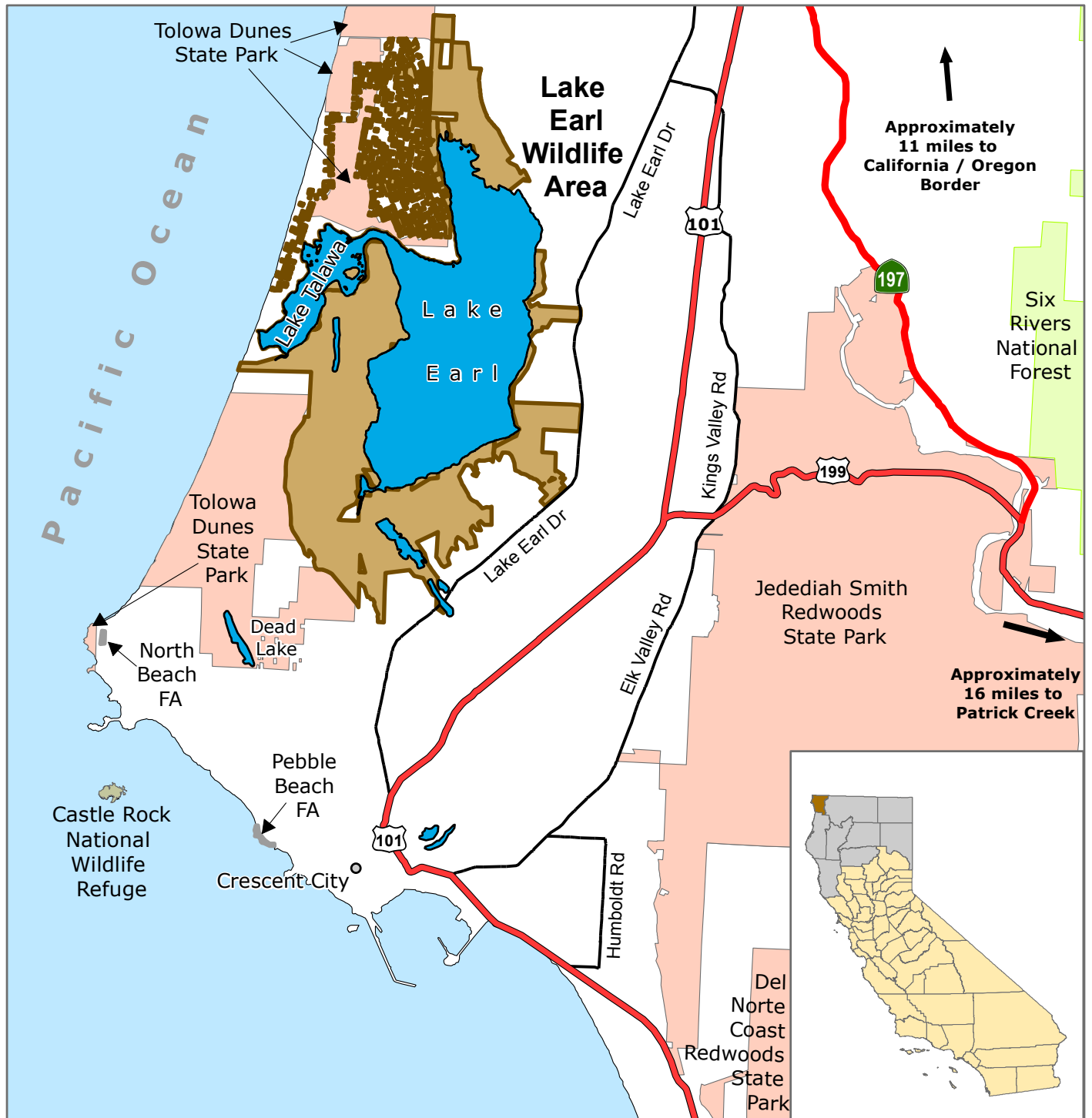
Thank you for your consideration this morning.



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California Department of Fish and Wildlife Northern Region LAKE EARL WILDLIFE AREA Del Norte County



Wildlife Area	National Wildlife Refuge
Fishing Access	U.S. Highway
National Forest	State Highway
State Parks	

Lake Tolowa Hunting Closures Background

Lake Tolowa:

The south end of Lake Tolowa on the Lake Earl Wildlife Area (LEWA) offers a unique hunting opportunity on the North Coast. That lowlands at the south end of Lake Tolowa flood 4-6 weeks a season, mostly in Nov. and Dec. Occasionally it floods for up to 8 weeks duration. By late Dec or early January in most years the dune separating Lake Tolowa from the Pacific Ocean is breached to reduce flooding of lands adjacent to the LEWA. Both Lake levels then drop from 9.5' to 2.5' over the course of 3 to 5 days depending on the weather and hunting at the south end of the Lake Tolowa (and really all of Lake Tolowa) is over from a practical standpoint due to significant acres of mud and the tidal and wave influences from the ocean at the breach site.

During those 4-6 weeks a unique hunting opportunity occurs at that south end of Lake Tolowa most seasons. That unique opportunity is the potential to hunt and successfully take several different types and species of birds: decoying puddle ducks; close ranging divers; sea ducks; black brant; Canada geese; white fronted geese; and snipe, all within that 40-90 acres of water and seasonal wetlands as rainfall accumulates. That unique opportunity is not regularly (nor intermittently) found anywhere else on the LEWA. The closure significantly impacts brant hunting opportunity as it overlap roughly 1/3 of that very short season.

The California Department of Wildlife (CDFW) describes the closures as small and intermittent on the relative scale of the total LEWA acreage – roughly 6100 acres. The total huntable acreage on the LEWA is roughly 3100 acres, so their “description” may be mathematically somewhat justifiable, but the devil is in the details. Last season’s closure encompassed: 42 acres on 8/22/22 at a lake level of 5.8'; 63 acres on 11/10/22 at a lake level of 6.3'; 80 acres on 12/7/22 at a 6.5' lake level; and 90 acres on 1/4/23 at a 9.2' lake level. That 90 acres is 22% of the 420 total huntable acres on and around Lake Tolowa. Additionally, of the roughly 60 miles of huntable shoreline within the LEWA, only 10% are accessible by foot for hunting. The shoreline in that 90 acre closure area is 1/5 of that 10% of total shoreline accessible by foot for hunting.

Let there be closures:

Around October of 2021, CDFW decided to close parts of the south end of Lake Tolowa to hunting. No public input was solicited and no public notification was given prior to the start of the 21/22 waterfowl season. Signs were posted at the closure area only, which a hunter would discover once they rowed a mile or hiked 3/8 mile into the area only to have to turn around and go elsewhere. When the LEWA Manager, Charles Bartollotta of the Eureka Office, was first asked about the closures by a local hunter, he was surprised there were closures and said he would look into it. He responded by calling back the next day or so and said he understood our concerns and that the closures would be lifted. He also wrote the Tolowa Dunes Stewards (TDS) Director on 10.28.22 to tell her the closures would be lifted except for the first Sunday of each month. He said in part “ I believe the approximate 30 days of total closure that comprise of

every Wednesday, Friday and one Sunday a month seemed unnecessary, considering that hunters have only a limited time, third week in October until the end of January, in which to hunt and that is further shortened by weather , migration and water level.

I have to consider that the waterfowl season is only three months and that Ammophila can be removed during the remaining nine months and so I have made the decision to remove the closure with the exception of the first Sunday of the month. The closure will be lifted October 31st. I did not make this decision lightly, but I must compromise between several user groups.” See attached file for the full email. We could not agree with him more.

Shortly after that email went out, the closure were reinstated at the behest of Mr. Bartolotta bosses. In subsequent phone and email conversations with Eureka Office and Redding Office staff, CDFW agreed to move some planned work days to different days of the week, and agreed to allow hunting on planned work days that might be cancelled by the TDS Director. A method to communicate those possible recovered hunt days was a sticking point and it was eventually left up to one local hunter to disseminate that information to other hunters when contacted by CDFW staff. CDFW rejected the suggestion to place a message on the LEWA phone. Interestingly, CDFW has recently proposed using the phone messaging during future closures to inform all hunters of possible open days. Also during those early conversations with CDFW staff it was stated that there was “no permit” for this work. We later learned there was a 2012 Coastal Development Permit for this work.

During the 2021/22 and the 2022/23 waterfowl seasons the hunting closures at the south end of Lake Tolowa were in effect for 73 days total. The Del Norte Waterfowlers surveilled the Project Area on planned closure days during both waterfowl seasons. Dune restoration work took place on site within the hunting closure area for 20 days total during the 73 closure days within those 2 waterfowl seasons with an average crew size of 2.6 workers per day. Surely that work could have been scheduled and completed outside of the waterfowl season.

Before the start of the 2022 waterfowl season CDFW had an “Outreach” meeting in Smith River, CA. regarding all things CDFW in Del Norte County. During the LEWA Closure Component, the Del Norte Waterfowlers presented 273 comment forms in opposition to hunting closures at the south end of Lake Tolowa. They are available on request and were actually submitted to the FGC prior to the February FGC meeting in support of our public comment on these closures at that time. The Del Norte County Fish and Game Advisory Commission also submitted a letter to CDFW opposing closures. See attached file. All of those comments reflected the fact that there are roughly 250 days outside of the waterfowl season that dune restoration work can occur following the minimal mitigation measure provided/required by the USFW in their “Technical Guidance” document supplied to CDFW and the TDS in 2012 and included in the related 2012 LEWA Dune Restoration Plan and referenced in the 2012 Coastal Commission Coastal Development Permit (CDP). The TDS have stated on multiple occasions in person, on line, and in print media that they do dune restoration work year round on the LEWA and surrounding state lands. It seems that when it comes to the south end of Lake Tolowa that work can only be done

during the waterfowl season. CDFW's response to our comments at the "Outreach" meeting was to increase the closure area size by 450% from the 2021 closure size, but still only half of their originally planned 2022 closure size of 200 acres.

None of the documents related to this work: the 2012 LEWA Dune Restoration Plan; the 2012 California Coastal Commission (CCC) Coastal Development Permit 1-12-007; the 2012 CCC Staff Report (F12b) for the CDP application; the 2018 WCB Grant; and the 2023 WCB Grant mention anything about hunting closures. In fact the related CCC Staff Report F12b in Section F. Public Access determined that: "The public uses the waveslope and project areas for beachcombing, horse-back riding, nature study and other uses. **The proposed project would not restrict existing authorized uses of the subject site.**" Waterfowl hunting is a longstanding authorized use of the subject site and is being unnecessarily restricted.

CDFW repeatedly asserts that the closures are for worker safety. The obvious solution to that potential occurrence is to not have the workers on or near the huntable areas during the waterfowl season.

CDFW has repeatedly reminded us that they have the authority to close areas to hunting. In our discussions with CDFW staff at various levels, including the Office of General Counsel, we have concluded there is no well-defined formal closure process that includes public notification, input, and meaningful consideration for non-emergency closures.

We are also concerned that various potential violations of the CDP conditions have occurred during restoration work planning and execution. We expressed those concerns to the Coastal Commission last October. We recently learned our concerns were lost in the bureaucracy and are again working with the Enforcement staff to hopefully address them. Currently the main topic of discussion seems to be what qualifies as a "violation". It would seem to us that conditions of the permit itself, and those included in the associated work plan that are ignored, are violations.

We are now in year 11 of the permitted Dune Restoration Project on 34 acres at the south end of Lake Tolowa. By all appearances it was expected to be a roughly 5 year project for beach grass removal followed by routine intermittent maintenance. WCB Grant funding of roughly \$2.2 million across 2 grants has been allocated for this Restoration Project in the last 5 years.

Recently CDFW informed us to expect 3.5 more years of closures. The 140 members of the Del Norte Waterfowlers are asking the Fish and Game Commission to look into these closures which we think are unnecessary, as this important dune restoration work can be done outside of the waterfowl season through adequate planning and scheduling along with proper project management. We are also not at all confident that by Project Year 15 the hunting closures will end.



City of Sierra Madre

232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024
phone 626.355.7135 city@cityofsierramadre.com

May 17, 2023

Received at
California Fish and Game Commission
May 22, 2023

Melissa Miller-Hanson
Executive Director of the California Fish & Game Commission
PO Box 944209
Sacramento, CA 94244-2090

Dear Executive Director Miller-Hanson:

Thank you for your service to the State of California. I am writing you today to ask for the California Fish & Game Commission's help in addressing a critical and dangerous issue in the San Gabriel Valley. Cities in the San Gabriel Valley are seeing a dramatic increase in habituated bear-human interactions. In the past year, the City of Sierra Madre has seen a nearly **three-fold increase** in bears entering a building or car. This includes several incidents of a bear at city elementary and middle schools. We are concerned about the public safety of our residents.

Being a city at the foot of the Angeles National Forest, the City of Sierra Madre is used to interactions with wildlife. We share our community with coyotes, owls, deer, bats, skunks, bears, and other wildlife. Many people move to Sierra Madre to co-exist with this wildlife and have access to the fabulous local mountains. In 1972, the city council declared the city as a wildlife sanctuary.

As a mountain community, we are proactive in maintaining safety in our community and interactions with wildlife. We have been working closely with the local branch of the Department of Fish & Wildlife and implemented their recommendations. Over the past three years, we had four public workshops educating residents about how to cohabitate with bears, including preventing the intentional feeding of bears, cleaning barbecue grills, picking fruit trees, and hazing bears when they are encountered near our homes. We implemented a Wildlife Management Plan to document the practices and procedures for the city. We updated our ordinances to prohibit the feeding of bears and provided the city with the ability to fine individuals who intentionally do so. We negotiated with our waste hauler, Athens Services, to provide bear-proof organic waste cans to every residence in Sierra Madre. When there have been interactions between bears and residents, we have notified Pasadena Humane and the local branch of the Department of Fish and Wildlife.

To provide you with additional background on the threats to the public safety of our residents, here is a sampling of **nine** recent media stories about our habituated bear problem:

- 'I've had bears eat my chickens': Bear sightings on the rise in Sierra Madre – *Los Angeles Times*
<https://www.latimes.com/california/story/2023-04-12/bears-sierra-madre-california-department-of-fish-and-wildlife>
- Bears break into Sierra Madre homes in search of food after hibernation – CBS Los Angeles
<https://www.cbsnews.com/losangeles/news/bears-break-into-sierra-madre-home-and-devours-owners-chicken/>
- Sierra Madre residents on edge over increasing number of bear encounters, attacks – KTLA5
<https://ktla.com/news/local-news/sierra-madre-residents-on-edge-over-growing-number-of-bear-encounters-attacks/>
- Sierra Madre residents concerned over increased bear encounters – Fox11
<https://www.foxla.com/news/bears-in-sierra-madre>
- Sierra Madre residents frustrated, worried over more bear encounters – ABC7
<https://abc7.com/bears-sierra-madre-bear-cub/13123825/>
- Bears Declared Public Safety Threat in Sierra Madre – NBC4
<https://www.nbclosangeles.com/on-air/bears-declared-public-safety-threat-in-sierra-madre/3143744/>
- Sierra Madre declares bears public safety threat, claims state agency failed to contain population – CBS Los Angeles
<https://www.cbsnews.com/losangeles/news/sierra-madre-declares-bears-public-safety-threat-claims-state-agency-failed-to-contain-population/>
- Unbearable! California community says it's 'sitting on a time bomb' as bear attacks and break-ins hit all time high - including one where a man and his dog were injured – Daily Mail
<https://www.dailymail.co.uk/news/article-11966107/California-community-edge-spate-bear-attacks-including-one-man-injured.html>
- California town declares bears a public safety threat – The Mercury News
<https://www.mercurynews.com/2023/04/28/sierra-madre-declares-bears-a-public-safety-threat/>

Despite all the efforts of our city, the number of habituated bear-human interactions is escalating. We are extremely concerned that a future interaction will cause more than just damage to homes or evacuation of schools.

On April 25th, I joined my fellow Councilmembers to unanimously adopt Sierra Madre Resolution 23-12, which is attached to this correspondence. Included in the discussion of the Resolution was the Department of Fish & Wildlife's Departmental Bulletin 2022-01, issued on February 16, 2022, which provides for an Incident Specific Approach (Section 4.3, page 9 of 19). This approach states that the "most desirable outcome for a habituated bear is avoidance of humans and a return to its natural behavior and habitat." This intuitive approach would address the public safety concerns for Sierra Madre and surrounding wildlife-human interface communities.

We are urgently asking the California Department of Fish & Wildlife, and the Department of Natural Resources to agendize a discussion of this item at your next available regular meeting and provide Sierra Madre with notice so that we can provide public comment.

Sincerely,



Robert T. Parkhurst
Councilmember
City of Sierra Madre

CC: Director of the Department of Fish and Wildlife
Fish and Game Commission
Secretary of the California Natural Resources Agency
State Senator Anthony J. Portantino
State Assemblymember Chris Holden
Los Angeles County Supervisor Kathryn Barger
Mayor Paul P. Cheng, City of Arcadia
Mayor Robert Gonzales, City of Azusa
Mayor Bruce Lathrop, City of Bradbury
Mayor Jody Schultz, City of Duarte
Mayor Keith Eich, City of La Canada Flintridge
Mayor Becky Shevlin, City of Monrovia
Mayor Victor Gordo, City of Pasadena

RESOLUTION NO. 23-12

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, DECLARING THE MISMANAGEMENT OF LOCAL BLACK BEAR POPULATIONS A THREAT TO PUBLIC SAFETY

WHEREAS, the City of Sierra Madre is located adjacent to the San Gabriel Mountains, whose jurisdictions include the Angeles National Forest, the San Gabriel Mountains National Monument, and the San Gabriel Wilderness; and

WHEREAS, the California Department of Fish and Wildlife, in various organizational structures and titles, has overseen wildlife management since 1878; and

WHEREAS, the Chairman of the California Fish and Game Commission imported Black Bears to Southern California in 1933, disrupting the intrinsic ecosystems of the San Gabriel Mountains and surrounding areas; and

WHEREAS, the City of Sierra Madre has acted in good faith to adhere to the California Department of Fish and Wildlife's guidance to create and maintain best practices to prevent the threat to public safety of urbanized Black Bears in our community, including publicizing the "Living with Bears" campaign, hosting numerous workshops for our residents, creating the Sierra Madre Wildlife Management Plan, adopting a local ordinance prohibiting the feeding of wildlife, posting informational signage, and establishing a program to distribute bear-resistant solid waste cans city-wide; and

WHEREAS, the residents of Sierra Madre have responded diligently to remove attractants to wildlife and have forcefully and compassionately made all efforts to keep bears from becoming urbanized; and

WHEREAS, despite the community's extraordinary efforts, the Sierra Madre Police Department responded to 106 calls for service regarding bears in 2021, including 6 incidents of a bear entering a building or car, followed by 130 calls for service in 2022, including 17 incidents of a bear entering a building or car and several incidents of a bear at an elementary or middle school; and

WHEREAS, in six years, the City of Sierra Madre, with a population of 11,000, has had four bear-human conflicts, three of which resulted in significant injuries to the persons.

NOW, THEREFORE, the City Council of the City of Sierra Madre does resolve as follows:

SECTION 1. Declaration. The proliferation of Conflict Bears, Habituated Bears, and Public Safety Bears in the City of Sierra Madre and adjacent agencies is a threat to public safety.

SECTION 2. Demand. The City of Sierra Madre demands that the California Department of Fish and Wildlife act immediately to take any and all necessary actions to eliminate this threat to public safety.

SECTION 3. Request. The City of Sierra Madre requests the Fish and Game Commission agendaize this item at their next regularly scheduled meeting to provide City officials the opportunity to address the issue.

SECTION 4. Transmittal. The City Clerk is directed to transmit a copy of this Resolution to the Director of the Department of Fish and Wildlife, the Secretary for Natural Resources, the Fish and Game Commission, and the elected state representatives.

APPROVED AND ADOPTED this 25th day of April 2023



Edward Garcia, Mayor, City of Sierra Madre, Ca

I, the undersigned, hereby certify that the foregoing Resolution Number No. 23-12 was duly adopted at a regular meeting of the City of Sierra Madre City Council on the 25th day of April 2023 by the Sierra Madre City Council following a roll call vote:

AYES: Mayor Edward Garcia, Mayor Pro Tem Kelly Kriebs, Council Member Gene Goss, Council Member Kristine Lowe, Council Member Robert Parkhurst

NOES: None

ABSENT: None

ATTEST: None



Laura Aguilar, City Clerk

housing development in Half Moon Bay

Jack Dvorkin [REDACTED]

Wed 05/31/2023 01:21 PM

To:FGC <FGC@fgc.ca.gov>

Cc [REDACTED]

Dear Director Miller-Henson:

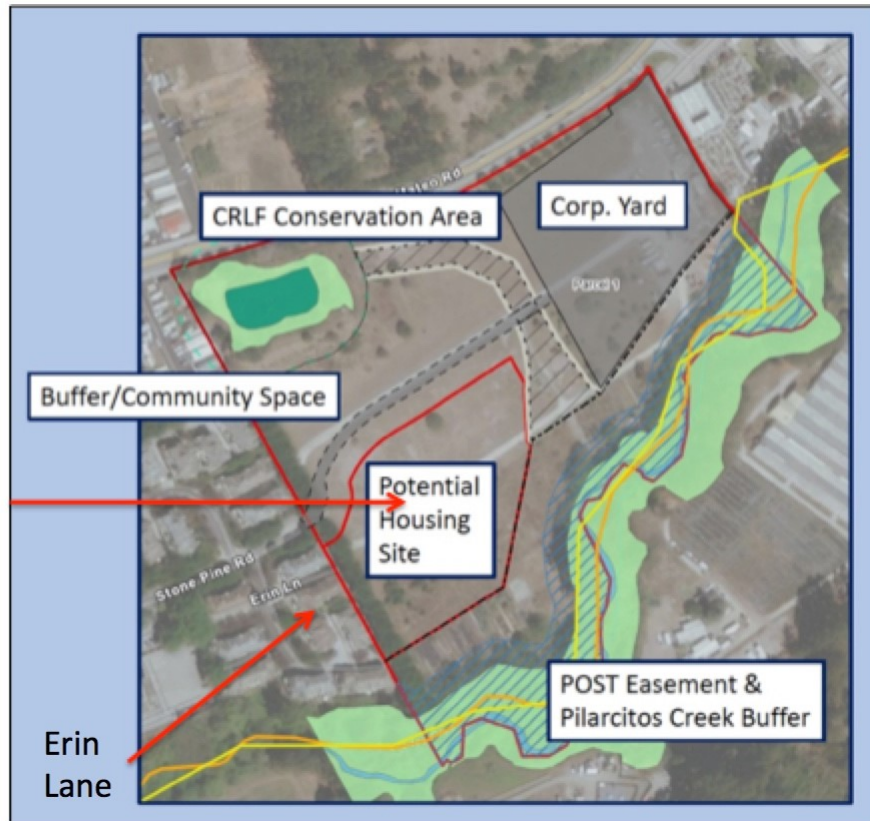
The City of Half Moon Bay (HMB) is relentlessly pushing forward with the affordable housing development at 880 Stone Pine Road, Half Moon Bay, CA 94019. The City Council is planning to erect about 50 housing units in the area (please see a map attached).

The site is environmentally sensitive with unique fauna and flora habitats along Pilarcitos Creek and surrounding wetlands. The City of Half Moon Bay has not conducted or presented an environmental impact study with regard to this housing development (cars and trucks, fuel and oil leakage, and other hazards). The current environmental impact report is only concerned with the corporate yard development, not with the housing.

Therefore, I respectfully request that your Commission look into this push by the City of HMB and act to protect our unique Coastal environment.

Many thanks in advance and best wishes,
Dr. Jack Dvorkin, HMB, CA 94019

> 50
"Affordable" Units



From: Shester, Geoff [REDACTED]
Sent: Monday, April 17, 2023 11:39 AM
To: Ashcraft, Susa [REDACTED]
Cc: Scott Webb <sweb [REDACTED]> Birch, Caitlynn <cbirc [REDACTED]>
Subject: new Oceana/TIRN materials on set gillnets

Hi Susan,

Hope you had a good weekend. We wanted to share with you a new set of public materials we released this morning regarding our California set gillnet bycatch campaign, most notably our new [report](#).

You can view Oceana's new campaign page at www.oceana.org/KeepCAOceansThriving.

- [Download the report](#)
- [View the fact sheet](#)
- [Watch the video](#)
- [Take Action](#)
- [Read the Press Release](#)

Thank you for your guidance and advice on this, and we look forward to working with you to find a collaborative way forward that reduces bycatch and maintains viable fishing communities and opportunities.

If it is still possible to include the report linked above in the supplemental meeting materials under the MRC agenda item, that would be great and much appreciated.

Thank you,

Geoff

Geoff Shester, Ph.D. | California Campaign Director and Senior Scientist



[REDACTED]

[REDACTED]

Fw: 4/27/23 LARWQCB/ BALLONA- SGMA/GDE, Hearings online & Ca.Co.Com.
4/14/23;4/12/23 Ballona

Thu 05/04/2023 10:21 AM

To: FGC <FGC@fgc.ca.gov>; Cornman, Ar [REDACTED] Miller-Henson, Melissa [REDACTED]
[REDACTED] Termini, Valerie [REDACTED]

📎 1 attachments (1 MB)

The Nature Conservancy et al. SMBGSP.pdf;



Please include the information below as part of the Public Comment for the Fish and Game Commission May Meeting(s).

The California Fish & Game Commission (FGC) is the regulatory body of Natural Resources yet provides no apparent follow through with assurance that the regulations it approves are carried forward by itself and its enforcement arm, Dept. of Fish & Wildlife (CDFW). In particular, when approvals of goals for Ecological Reserves are not carried forward, as is the case with Ballona Wetlands Ecological Reserve, it undermines the credibility of the FGC and creates a double standard that illegitimately shields its staff and the Department of Fish & Wildlife from having to abide by regulations, while enforcing penalties on the public for any violation of regulations.

Ballona Wetlands was approved in 2005, as a Title 14, Section 630 Ecological Reserve having specific goals as its purpose of acquisition.

The Fish and Game Commission has been repeatedly reminded of this standing and the registration of Ballona by the Office of Administrative Law:

California Regulatory Notice Register 2005, Volume No. 20-Z, Starting on page 663 Ballona Wetlands Ecological Reserve [https://www.dhcs.ca.gov/services/medical/Documents/AB1629/ZREG/ZREG 20-Z_5.20.05_notice.pdf](https://www.dhcs.ca.gov/services/medical/Documents/AB1629/ZREG/ZREG%20-%205.20.05_notice.pdf)

Since, the 2005 timeframe, CDFW became an absentee landlord of Ballona Wetlands, never fulfilling the required F & G Code, Section 1019 Land Management Plan and never lifting a finger to manage Ballona as required under F&G Code 1745, as a Title 14, Section 630 terrestrial, non marine ecological reserve. Instead, CDFW violated FGC process by never coming back before the FGC and the public to change the goals for Ballona's acquisition and restoration and instead simply allowed for a deviant goal of, 'restoring the ebb and flow of the ocean' and working to fulfill the Coastal Conservancy's deviant goal of converting Ballona into a fully tidal saltwater bay.

CDFW and FGC have looked the other way to enforcement of the Sustainable Groundwater Management Act and its Groundwater Dependent Ecosystem protections. Attached below is a joint letter from The Nature Conservancy,

Union of Concerned Scientists, Clean Water Action and others citing the inadequacies of the Santa Monica Groundwater Basin's Groundwater Sustainability Plan.

Ballona ER has had no Land Management Plan to facilitate knowledge of its ground and surface freshwater in order to provide for the targeted vegetation--namely pickleweed and the targeted for protection, endangered Belding's Savannah Sparrow. Instead, two failed hydraulics modeling studies of an area OUTSIDE the Ecological Reserve--the runoff from the City of Los Angeles conveyed through the Ballona Flood Control Channel have been done to the tune of a wasted \$4 million dollars. No Groundwater Dependent Ecosystem evaluations have been undertaken by the Dept of Fish & Wildlife on behalf of protecting Ballona's plentiful freshwater natural resources and the wildlife and vegetation reliant upon the freshwater resources.

A Petition 2021-026 filed with FGC to which Staff acknowledged the need to remove F & G Code regulations on areas cited as Ecological Reserve regulations that are not appropriately placed, has not come back before the FGC but ostensibly remains improperly buried with Director Bonham's mistakes.

The FGC, CDFW are not protecting Ballona's natural resources, not even looking to understand what they are intent upon destroying and converting into a fully tidal saltwater bay.

For the record, there are attempts to see science and adherence to the law happen. The following includes some of that activity:

PPT BELOW contains images of Ballona and documents pertaining to dewatering/discharge/waste of water

https://saveballona.org/system/files/Ballona_Wetlands-Freshwater.Playa_Vista.CDFW_Drainage.pdf

https://cal-span.org/meeting/rwqcb-la_20230427/ **LARWQCB BOARD meeting apr 27, 2023**

public comment :

margot griswold phd LA Aububon 6:12:15 -6:17:51 slide show presentation --Drainage Ballona

patricia mcpherson Grassroots Coalition 6:18:05

kathy knight Ballona Ecosystem Education Project 6:27:42

Boardmember Mendez speaks on the heels of Kathy Knight, discussing the upcoming..Ballona touring....and

Boardmember Mendez...flipping through the yellow Grassroots Coalition folder...says...

walter lamb Ballona Wetlands Landtrust 6:32:23

https://cal-span.org/meeting/ccc_20230412/ **Ca Coastal comm. 4/12/23 Walter/Landtrust @ 09:40**

Walter/Landtrust Fence and CDFW 'after the fact permit' **CDFW pattern and practice of not abiding by regs** and not informing public (landtrust out there with kids in tour when discovered the fence....and no public input per its need or...) raises unpermitted drains and exec dir(staff) not treating cdfw as required...Co. Commissioner Peskin citing agencies are to be treated same as individuals. yet happening again...deference away from public.

Additional wasteful and unevaluated freshwater drainage from Ballona to the sea 2023:

Tue, Feb 28, 2023 12:15 pm

Video of west end Ballona water draining from south side Ballona under Culv. culvert to north side to Ballona channel.

<https://drive.google.com/file/d/1SLZAfwseligDPU3mGuNrPAHyu1Gqr2bW/view?usp=sharing>

Patricia McPherson, Grassroots Coalition



September 28, 2021

The Santa Monica Basin Groundwater Sustainability Agency

Submitted via email: lisette.gold@santamonica.gov

Re: Public Comment Letter for Santa Monica Groundwater Subbasin Draft GSP

Dear Lisette Gold,

On behalf of the above-listed organizations, we appreciate the opportunity to comment on the Draft Groundwater Sustainability Plan (GSP) for the Santa Monica Subbasin being prepared under the Sustainable Groundwater Management Act (SGMA). Our organizations are deeply engaged in and committed to the successful implementation of SGMA because we understand that groundwater is critical for the resilience of California's water portfolio, particularly in light of changing climate. Under the requirements of SGMA, Groundwater Sustainability Agencies (GSAs) must consider the interests of all beneficial uses and users of groundwater, such as domestic well owners, environmental users, surface water users, federal government, California Native American tribes and disadvantaged communities (Water Code 10723.2).

As stakeholder representatives for beneficial users of groundwater, our GSP review focuses on how well disadvantaged communities, drinking water users, tribes, climate change, and the environment were addressed in the GSP. While we appreciate that some basins have consulted us directly via focus groups, workshops, and working groups, we are providing public comment letters to all GSAs as a means to engage in the development of 2022 GSPs across the state. Recognizing that GSPs are complicated and resource intensive to develop, the intention of this letter is to provide constructive stakeholder feedback that can improve the GSP prior to submission to the State.

Based on our review, we have significant concerns regarding the treatment of key beneficial users in the Draft GSP and consider the GSP to be insufficient under SGMA. We highlight the following findings:

1. Beneficial uses and users are not sufficiently considered in GSP development.
 - a. Human Right to Water considerations **are not sufficiently** incorporated.
 - b. Public trust resources **are not sufficiently** considered.
 - c. Impacts of Minimum Thresholds, Measurable Objectives and Undesirable Results on beneficial uses and users **are not sufficiently analyzed**.
2. Climate change **is not sufficiently considered**.

3. Data gaps **are not sufficiently** identified and the GSP **does not have a plan** to eliminate them.
Santa Monica Subbasin Draft GSP Page 1 of 11 Groundwater Sustainability Plan for the
Santa Monica Subbasin C-62

4. Projects and Management Actions **do not sufficiently consider** potential impacts or benefits to beneficial uses and users.

Our specific comments related to the deficiencies of the Santa Monica Subbasin Draft GSP along with recommendations on how to reconcile them, are provided in detail in Attachment A.

Please refer to the enclosed list of attachments for additional technical recommendations:

Attachment A	GSP Specific Comments
Attachment B	SGMA Tools to address DAC, drinking water, and environmental Beneficial uses and users
Attachment C	Freshwater species located in the subbasin
Attachment D	The Nature Conservancy's "Identifying GDEs under SGMA: Best Practices for using the NC Dataset"

Thank you for fully considering our comments as you finalize your GSP.
Best Regards,



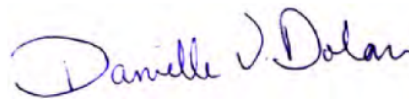
Ngodoo Atume
Water Policy Analyst
Clean Water Action/Clean Water Fund



J. Pablo Ortiz-Partida, Ph.D.
Western States Climate and Water Scientist
Union of Concerned Scientists



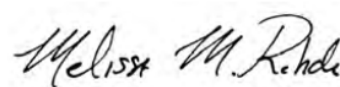
Samantha Arthur
Working Lands Program Director
Audubon California



Danielle V. Dolan
Water Program Director
Local Government Commission



E.J. Remson
Senior Project Director, California Water Program
The Nature Conservancy



Melissa M. Rohde
Groundwater Scientist
The Nature Conservancy

Attachment A

Specific Comments on the Santa Monica Subbasin Draft Groundwater Sustainability Plan

1. Consideration of Beneficial Uses and Users in GSP development

Consideration of beneficial uses and users in GSP development is contingent upon adequate identification and engagement of the appropriate stakeholders. The (A) identification, (B) engagement, and (C) consideration of disadvantaged communities, drinking water users, tribes, groundwater dependent ecosystems, streams, wetlands, and freshwater species are essential for ensuring the GSP integrates existing state policies on the Human Right to Water and the Public Trust Doctrine.

A. Identification of Key Beneficial Uses and Users

B. Disadvantaged Communities and Drinking Water Users

The identification of Disadvantaged Communities (DACs) and drinking water users **is incomplete**. While the GSP provides basic information on DACs, including identification by name, location, and population densities on a map (Figure 2-8) as determined by the California Department of Water Resources DAC Mapping Tool, the plan fails to identify the population dependent on groundwater as their source of drinking water in these communities. The plan also fails to provide a density map of domestic wells in the subbasin, or other information about location and depth of domestic wells. These missing elements are required for the GSA to fully understand the specific interests and water demands of these beneficial users, and to support the development of sustainable management criteria and projects and management actions that are protective of these users.

RECOMMENDATIONS

- Include a map and inventory of all domestic wells by location and by depth, and a domestic well density map.
- Identify the sources of drinking water for DAC members, including an estimate of how many people rely on groundwater (e.g., domestic wells, state small water systems, and public water systems). The GSP states that “DAC block groups are located in portions of the City of Santa Monica, the City of Los Angeles including the UCLA campus and Venice Beach, and the unincorporated area around the West Los Angeles Veterans Affairs campus.” However, the GSP does not currently provide clear information on how and to what extent DAC members rely on groundwater.

Interconnected Surface Waters

The identification of Interconnected Surface Waters (ISWs) **is insufficient**. ISWs were inadequately dismissed based on the incorrect assertion that the shallow aquifers are not principal aquifers, despite the recognition in the Water Budget section of the GSP that there is a likely connection between shallow groundwater and surface water. The GSP states (p. 2-95): “Groundwater outflows occur to ephemeral streams that enter the Subbasin from the Santa Monica Mountains and to Ballona Creek (Figure 2-3). During dry years the modeled outflows are typically less than a few hundred AFY (Table 2-25). However, in wet years such as 1998 and

2005, these flows can exceed 4,000AF (Table 2-25). The combined outflows to ephemeral streams and to Ballona Creek totaled 7,300 AFY and 6,400 AFY in 1998 and 2005, respectively.” The GSP further states (p. 2-78): “Infiltration of surface water into the Bellflower aquitard downstream of Centinela Avenue, contributes to the palustrine Ballona Creek Wetlands, located approximately half a mile downstream. These wetlands constitute the primary area of groundwater-surface water interaction in the Subbasin.”

SGMA defines principal aquifers as “aquifers or aquifer systems that store, transmit, and yield significant or economic quantities of groundwater to wells, springs, or surface water systems” [23 CCR § 351 (aa)]. The shallow groundwater system, consisting of the Bellflower aquitard and the Ballona aquifer, are indeed principal aquifers that must be protected under SGMA. Because the shallow aquifers are not recognized as principal aquifers, potential ISWs are not being identified, described, nor managed in the GSP. Until a disconnection can be proven, include all potential ISWs in the GSP. This is necessary to assess whether surface water depletions caused by groundwater use are having an adverse impact on environmental beneficial users of surface water.

RECOMMENDATIONS

- Include a map of stream reaches in the subbasin. Label the reaches as interconnected, disconnected, or potential ISWs.
- Include the shallow groundwater system as a principal aquifer in this GSP to ensure adequate monitoring and management of this critical groundwater resource for current and future beneficial users.
- Provide depth-to-groundwater contour maps using the best practices presented in Attachment D, to aid in the determination of ISWs. Specifically, ensure that the first step is contouring groundwater elevations, and then subtracting this layer from land surface elevations from a DEM to estimate depth-to-groundwater contours across the landscape. This will provide accurate contours of depth to groundwater along streams and other land surface depressions where GDEs are commonly found.
- Use seasonal data over multiple water year types to capture the variability in environmental conditions inherent in California’s climate, when mapping ISWs. We recommend that data is used from the pre-SGMA baseline period of 2005-2015.
- Reconcile ISW data gaps with specific measures (shallow monitoring wells, stream gauges, and nested/clustered wells) along surface water features in the Monitoring Network section of the GSP.

Groundwater Dependent Ecosystems

The identification of Groundwater Dependent Ecosystems (GDEs) **is insufficient**, due to a lack of description of supporting data for the analysis of the subbasin’s GDEs.

The GSP took initial steps to identify and map GDEs using the Natural Communities Commonly Associated with Groundwater dataset (NC dataset). The GSP retains nearly all of the NC dataset polygons in the subbasin as potential GDEs (with the exception of a small paved pond area at the

Kenneth Hahn State Recreation Area Unit). However, the GSP does not fully describe how groundwater data from the underlying shallow aquifer was used to verify the NC dataset. The GSP text refers to Appendix E (Groundwater Elevation Hydrographs), but more information should be provided in the text regarding specific wells and temporal data used to verify the NC dataset polygons. Without an adequate analysis of groundwater data to verify the NC dataset polygons, it will be difficult or impossible to adequately monitor and manage the GDEs throughout GSP implementation.

We commend the GSA for including an inventory of fauna and flora species in the subbasin's GDEs (Table 2-19) and a list of special status species present in the Ballona Wetlands Ecological Reserve (Table 2-20)

RECOMMENDATIONS

- Overlay GDE locations with depth-to-groundwater contour maps. Show well locations on these maps. For the contour maps, note the best practices presented in Attachment D. Specifically, ensure that the first step is contouring groundwater elevations, and then subtracting this layer from land surface elevations from a digital elevation model (DEM) to estimate depth to groundwater contours across the landscape.
- Use and describe depth to groundwater data from multiple seasons and water year types (e.g., wet, dry, average, drought) to determine the range of depth to groundwater around NC dataset polygons. We recommend that a baseline period (10 years from 2005 to 2015) be established to characterize groundwater conditions over multiple water year types. Refer to Attachment D of this letter for best practices for using local groundwater data to verify whether polygons in the NC Dataset are supported by groundwater in an aquifer.

Native Vegetation and Managed Wetlands

Native vegetation and managed wetlands are water use sectors that are required, to be included^{1 2} into the water budget. The integration of these ecosystems into the water budget **is insufficient**. The water budget did not include the current, historical, and projected demands of native vegetation and managed wetlands. The omission of explicit water demands for native vegetation and managed wetlands is problematic because key environmental uses of groundwater are not being accounted for as water supply decisions are made using this budget, nor will they likely be considered in project and management actions.

¹ “‘Water use sector’ refers to categories of water demand based on the general land uses to which the water is applied, including urban, industrial, agricultural, managed wetlands, managed recharge, and native vegetation.” [23 CCR §351(al)]

² “The water budget shall quantify the following, either through direct measurements or estimates based on data: (3) Outflows from the groundwater system by water use sector, including evapotranspiration, groundwater extraction, groundwater discharge to surface water sources, and subsurface groundwater outflow.” [23 CCR §354.18]

RECOMMENDATION

- Quantify and present all water use sector demands in the historical, current, and projected water budgets with individual line items for each water use sector, including native vegetation and managed wetlands.

B. Engaging Stakeholders

Stakeholder Engagement during GSP development

Stakeholder engagement during GSP development **is insufficient**. SGMA's requirement for public notice and engagement of stakeholders is not fully met by the description in the Public3 Outreach and Engagement Plan (Appendix D). We note the following deficiencies with the overall stakeholder engagement process:

- The opportunities for public involvement and engagement are described in very general terms. They include attendance at public workshops and updates to the GSP website. There is no specific outreach described for members of the DAC communities.
- The Public Outreach and Engagement Plan does not include outreach and engagement that is specifically directed to environmental stakeholders.

RECOMMENDATION

- Include a more detailed and robust Public Outreach and Engagement Plan that describes active and targeted outreach to engage DAC members, domestic well owners, and environmental stakeholders during the remainder of the GSP development process and throughout the GSP implementation phase. Refer to Attachment B for specific recommendations on how to actively engage stakeholders during all phases of the GSP process.

C. Considering Beneficial Uses and Users When Establishing Sustainable Management Criteria and Analyzing Impacts on Beneficial Uses and Users

The consideration of beneficial uses and users when establishing sustainable management criteria (SMC) **is insufficient**. The consideration of potential impacts on all beneficial users of groundwater in the subbasin are required when defining undesirable results and establishing minimum thresholds. 5,6

3 "A communication section of the Plan shall include a requirement that the GSP identify how it encourages the active involvement of diverse social, cultural, and economic elements of the population within the basin." [23 CCR§354.10(d)(3)]

4 The description of minimum thresholds shall include [...]potential effects on the beneficial uses and users of groundwater, on land uses and property interests, and other potential effects that may occur or are occurring from undesirable results." [23 CCR §354.26(b)(3)]

5 "The description of minimum thresholds shall include [...] how minimum thresholds may affect the interests of beneficial uses and users of groundwater or land uses and property interests." [23 CCR §354.28(b)(4)]

6 "The description of undesirable results shall include [...] how state, federal, or local standards relate to the relevant sustainability indicator. If the minimum threshold differs from other regulatory standards, the agency shall explain the nature of and the basis for the difference." [23 CCR §354.28(b)(5)]

Disadvantaged Communities and Drinking Water Users

For chronic lowering of groundwater levels, the GSP does not specifically analyze direct and indirect impacts on DACs and drinking water users when defining undesirable results, or evaluate the cumulative or indirect impacts of proposed minimum thresholds on these stakeholders. As discussed above in our comments under Section 1A (Identification of Key Beneficial Uses and Users), these stakeholders were not sufficiently identified in the subbasin.

Identified constituents of concern (COCs) in the subbasin are TDS, sulfate, chloride, boron, nitrate, and total coliform bacteria. No SMC are set for the degraded water quality sustainability indicator in the subbasin. The GSP states (p. 3-14): "Minimum thresholds for significant and unreasonable degradation of groundwater quality were not established for the Subbasin because the groundwater quality in the Subbasin was impacted by industrial activity prior to 2015." However, the GSA should ensure that there is sufficient monitoring for these contaminants to ensure that groundwater use and groundwater management within the basin does not lead to groundwater quality degradation.

RECOMMENDATIONS

Chronic Lowering of Groundwater Levels

- Describe direct and indirect impacts on DACs and drinking water users when defining undesirable results for chronic lowering of groundwater levels.
- Consider and evaluate the impacts of selected minimum thresholds and measurable objectives on DACs and drinking water users within the subbasin. Further describe the impact of passing the minimum threshold for drinking water users. For example, provide the number of domestic wells that would be de-watered at the minimum threshold.

Degraded Water Quality

- Establish a monitoring network for the degraded water quality sustainability indicator to ensure that groundwater use and groundwater management does not lead to groundwater quality degradation within the basin.
- Evaluate the cumulative or indirect impacts of degraded water quality on DACs and drinking water users.

Groundwater Dependent Ecosystems and Interconnected Surface Waters

Because the shallow aquifer is disregarded as a principal aquifer in the GSP, SMC provided in the GSP do not consider potential impacts to environmental beneficial users. The GSP states (p.3-8): "Potential wetlands, shallow groundwater (less than 30 feet), and GDEs have been identified in the PCH Unit and BWER in the Subbasin (Section 2.4.7, Groundwater Dependent Ecosystems). Depletion of groundwater supporting these areas is not currently occurring and will not occur as a result of groundwater production because the groundwater that supports the GDE habitats occurs within the Bellflower aquitard, a shallow surface layer that is hydraulically disconnected from the underlying Ballona and Silverado aquifers in much, though not all, of the Subbasin." However, the GSP has not provided sufficient supporting information for the claim that

the aquifers are not connected. The GSP uses groundwater depths in the center of the subbasin from the Ballona and Silverado aquifers to compare to shallow groundwater measurements near the Ballona Creek wetlands in the southern portion of the subbasin to dismiss the connection between the aquifers.

Therefore, the GSP neither describes nor analyzes direct or indirect impacts on environmental users of groundwater or surface water when defining undesirable results. This is problematic because without identifying potential impacts to GDEs and beneficial users of interconnected surface waters, minimum thresholds may compromise, or even destroy, environmental beneficial users. Since potential GDEs and ISWs are present in the subbasin, they must be considered when developing SMC for the subbasin.

RECOMMENDATIONS

- When defining undesirable results for chronic lowering of groundwater levels, provide specifics on what biological responses (e.g., extent of habitat, growth, recruitment rates) would best characterize a significant and unreasonable impact to GDEs. Undesirable results to environmental users occur when 'significant and unreasonable' effects on beneficial users are caused by one of the sustainability indicators (i.e., chronic lowering of groundwater levels, degraded water quality, or depletion of interconnected surface water). Thus, potential impacts on environmental beneficial uses and users need to be considered when defining undesirable results⁷ in the subbasin. Defining undesirable results is the crucial first step before the minimum thresholds⁸ can be determined.
- When defining undesirable results for depletion of interconnected surface water, include a description of potential impacts on instream habitats within ISWs when defining minimum thresholds in the subbasin⁹. The GSP should confirm that minimum thresholds for ISWs avoid adverse impacts to environmental beneficial users of interconnected surface waters as these environmental users could be left unprotected by the GSP. These recommendations apply especially to environmental beneficial users that are already protected under pre-existing state or federal law^{6,10}.

7 "The description of undesirable results shall include [...] potential effects on the beneficial uses and users of groundwater, on land uses and property interests, and other potential effects that may occur or are occurring from undesirable results". [23 CCR §354.26(b)(3)]

8 The description of minimum thresholds shall include [...] how minimum thresholds may affect the interests of beneficial uses and users of groundwater or land uses and property interests." [23 CCR §354.28(b)(4)]

9 "The minimum threshold for depletions of interconnected surface water shall be the rate or volume of surface water depletions caused by groundwater use that has adverse impacts on beneficial uses of the surface water and may lead to undesirable results." [23 CCR §354.28(c)(6)]

10 Rohde MM, Seapy B, Rogers R, Castañeda X, editors. 2019. Critical Species LookBook: A compendium of California's threatened and endangered species for sustainable groundwater management. The Nature Conservancy, San Francisco, California. Available at: https://groundwaterresourcehub.org/public/uploads/pdfs/Critical_Species_LookBook_91819.pdf

2. Climate Change

The SGMA statute identifies climate change as a significant threat to groundwater resources and one that must be examined and incorporated in the GSPs. The GSP Regulations require integration of climate (11) change into the projected water budget to ensure that projects and management actions sufficiently account for the range of potential climate futures.

The integration of climate change into the projected water budget **is insufficient**. The GSP does incorporate climate change into the projected water budget using DWR change factors for 2030 and 2070. However, the GSP did not consider the 2030 or 2070 extremely wet and extremely dry climate scenarios in the projected water budget. The GSP should clearly and transparently incorporate the extremely wet and dry scenarios provided by DWR into projected water budgets or select more appropriate extreme scenarios for the subbasin. While these extreme scenarios may have a lower likelihood of occurring, their consequences could be significant, therefore they should be included in groundwater planning.

The GSP included climate change into precipitation, evapotranspiration, and sea level inputs of the projected water budget. However, climate change was not incorporated into surface water flow inputs. Furthermore, the GSP does not calculate a sustainable yield based on the projected water budget with climate change incorporated, but instead states that the sustainable yield is based on a historical range of estimates until data gaps are filled. If the water budgets are incomplete, including the omission of extremely wet and dry scenarios, and sustainable yield is not calculated based on climate change projections, then there is increased uncertainty in virtually every subsequent calculation used to plan for projects, derive measurable objectives, and set minimum thresholds. Plans that do not adequately include climate change projections may underestimate future impacts on vulnerable beneficial users of groundwater such as ecosystems and DACs.

RECOMMENDATIONS

- Integrate climate change, including extremely wet and dry scenarios, into all elements of the projected water budget to form the basis for development of sustainable management criteria and projects and management actions.
- Incorporate climate change into surface water flow inputs for the projected water budget.
- Calculate sustainable yield based on the projected water budget with climate change incorporated.
- Incorporate climate change scenarios into projects and management actions.

11 “Each Plan shall rely on the best available information and best available science to quantify the water budget for the basin in order to provide an understanding of historical and projected hydrology, water demand, water supply, land use, population, climate change, sea level rise, groundwater and surface water interaction, and subsurface groundwater flow.” [23 CCR §354.18(e)]

3. Data Gaps

The consideration of beneficial users when establishing monitoring networks **is insufficient**, due to lack of specific plans to increase the Representative Monitoring Points (RMPs) in the monitoring network that represent water quality conditions and shallow groundwater elevations around DACs, domestic wells, GDEs, and ISWs. Figure 3-7 (Future/Potential New Monitoring Network Wells) shows that no existing or new proposed monitoring wells are located across large portions of the subbasin, including near GDEs, ISWs, or DACs. Beneficial users of groundwater may remain unprotected by the GSP without adequate monitoring and identification of data gaps in the shallow aquifer. The Plan therefore fails to meet SGMA's requirements for the monitoring network .¹²

RECOMMENDATIONS

- Provide maps that overlay monitoring well locations with the locations of DACs, domestic wells, GDEs, and ISWs to clearly identify potentially impacted areas. Increase the number of representative monitoring points (RMPs) in the shallow aquifer across the basin for all groundwater condition indicators. Prioritize proximity to GDEs, ISWs, DACs, and drinking water users when identifying new RMPs.
- Provide specific plans to fill data gaps in the monitoring network. Evaluate how the gathered data will be used to identify and map GDEs and ISWs, and identify DACs and shallow domestic well users that are vulnerable to undesirable results.
- Describe biological monitoring that can be used to assess the potential for significant and unreasonable impacts to GDEs or ISWs due to groundwater conditions in the subbasin.

4. Addressing Beneficial Users in Projects and Management Actions

The consideration of beneficial users when developing projects and management actions **is insufficient**, due to the failure to completely identify benefits or impacts of identified projects and management actions to key beneficial users of groundwater such as GDEs, aquatic habitats, surface water users, DACs, and drinking water users. Therefore, potential project and management actions may not protect these beneficial users. Groundwater sustainability under SGMA is defined not just by sustainable yield, but by the avoidance of undesirable results for all beneficial users. The plan states that public notice is not required for Management Action 1 & 5 because the action would be undertaken under the City of Santa Monica's authority.

RECOMMENDATIONS

- For DACs and domestic well owners, include a drinking water well impact mitigation program to proactively monitor and protect drinking water wells through GSP implementation. Refer to Attachment B for specific recommendations on how to implement a drinking water well mitigation program.

¹² "The monitoring network objectives shall be implemented to accomplish the following: [...] (2) Monitor impacts to the beneficial uses or users of groundwater." [23 CCR §354.34(b)(2)]

- For DACs and domestic well owners, include a discussion of whether potential impacts to water quality from projects and management actions could occur and how the GSA plans to mitigate such impacts.
- Recharge ponds, reservoirs, and facilities for managed stormwater recharge can be designed as multiple-benefit projects to include elements that act functionally as wetlands and provide a benefit for wildlife and aquatic species. For guidance on how to integrate multi-benefit recharge projects into your GSP, refer to the “Multi-Benefit Recharge Project Methodology Guidance Document”¹³.
- Develop management actions that incorporate climate and water delivery uncertainties to address future water demand and prevent future undesirable results.
- Ensure that public notice and avenue for stakeholder engagement is provided before undertaking all proposed management actions.

13 The Nature Conservancy. 2021. Multi-Benefit Recharge Project Methodology for Inclusion in Groundwater Sustainability Plans. Sacramento. Available at: <https://groundwaterresourcehub.org/sgma-tools/multi-benefit-recharge-project-methodology-guidance/>

The following additional attachments can be read in Appendix C of the GSA's website Under the GSP section , Final GSP Documents – Appendices C-D found at link: <https://www.santamonica.gov/gsp>

This appendix contains the initial comments of all responders, Including Grassroots Coalition; Ballona Ecosystem Education Project; LA Audubon and Todd Cardiff Esq., on behalf of Grassroots Coalition. The website **does not contain subsequent filings** per the GSP by these organizations despite delivery of the additional responses to the GSA and the Department of Water Resources.

Page 1 of 6

Attachment B

SGMA Tools to address DAC, drinking water, and environmental beneficial uses and users

Carolina Biological sends live bullfrogs to California

Kerry Kriger [REDACTED]

Thu 05/04/2023 11:42 AM

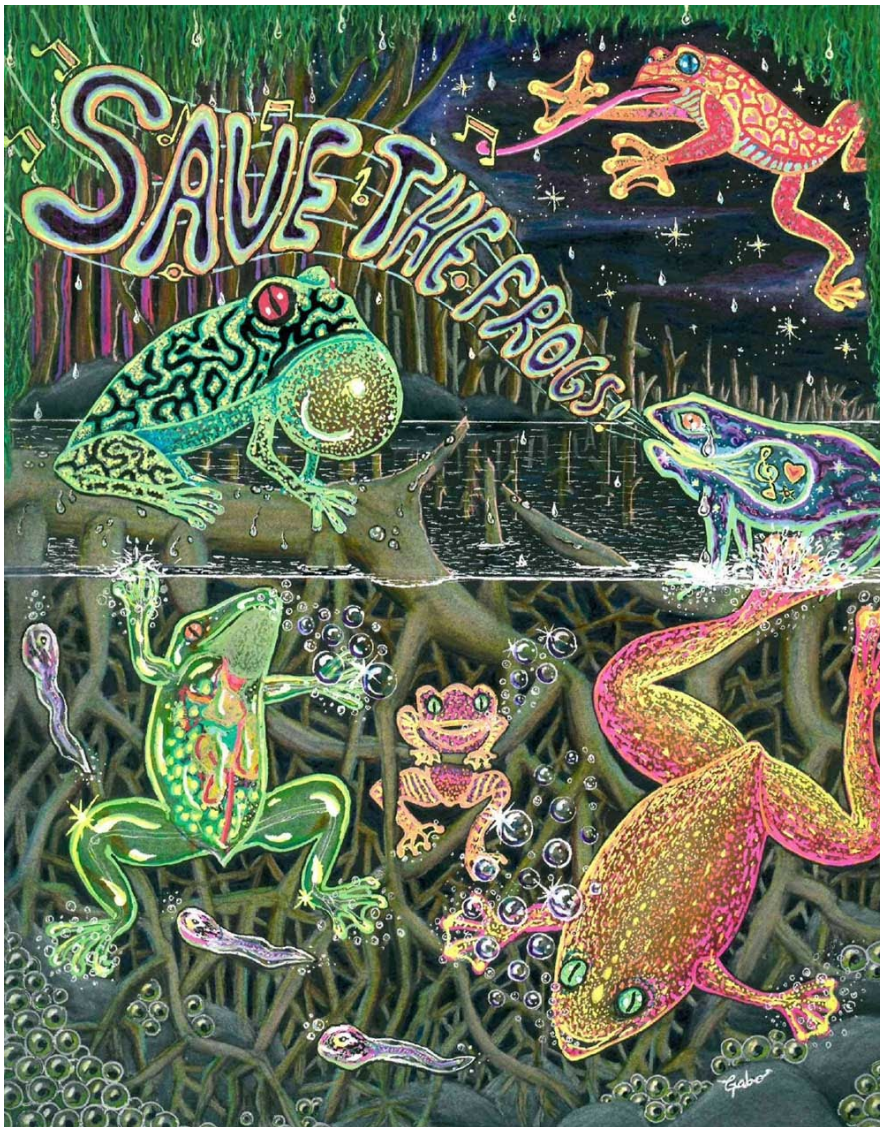
To: Cornman, Ar [REDACTED] FGC <FGC@fgc.ca.gov>; Miller-Henson, Melissa [REDACTED]
[REDACTED] Bonham, Chuck [REDACTED]

Hi Ari,

Carolina Biological will send live bullfrogs to California, but not to various other states that have enacted appropriate restrictions:

https://www.carolina.com/catalog/detail.jsp?prodId=146530&gclid=CjwKCAjwxr2iBhBJEiwAdXECwzDvuisOejMI6dkindQMUA_SyAra-7nNnjWa2vXKbfnLEh8ygePEDBoCTJwQAvD_BwE

Kerry



Dr. Kerry Kriger

SAVE THE FROGS!

Founder, Executive Director & Ecologist

www.savethefrogs.com/kerry-kriger



[Donate](#) | [Connect](#) | [Watch My Ted-Ed Video](#) | [Schedule A Time To Talk](#)

SAVE THE FROGS! protects amphibian populations and empowers ordinary citizens to make extraordinary contributions to the betterment of the planet. We work in California, across the USA and around the world to create a better planet for humans and wildlife.

Fw: Ranch 88 in Livermore 1600 N Vasco 94551

linda gray [REDACTED]

Sat 05/06/2023 04:03 PM

To: FGC <FGC@fgc.ca.gov>

----- Forwarded Message -----

From: linda gray [REDACTED]

To: [REDACTED]

Sent: Saturday, May 6, 2023 at 03:38:20 PM PDT

Subject: Re: Ranch 88 in Livermore 1600 N Vasco 94551

thank you

On Saturday, May 6, 2023 at 03:36:53 PM PDT, [REDACTED] wrote:

Contact your local Animal Control, and have them investigate.
(See following email, the State Penal Code re: the markets).

And please see if you can ascertain the species of turtles
being offered for sale.

x
Eric Mills, coordinator
ACTION FOR ANIMALS
Oakland

=====

On 2023-05-06 3:23 pm, linda gray wrote:

> To whom it may concern,

>

> This store needs to be investigated. The bullfrogs they had with no
> water or food, and they were piled up on top of each other! They have
> the most 6 or 7 of the most beautiful turtles, they weren't sliders,
> they were land turtles, and they were also piled up on top of each
> other, all of their little heads and legs were tucked in so tight,
> they were so scared! This mistreatment of live animals. There are
> many other things going on as well in the fish department. Please
> someone take the time to check this out. their living conditions.
> is animal abuse extreme cruelty and abuse against animals before
> they are slaughtered and sold inside markets is an act of cruelty.

>

> Thank you

>

> Linda Gray

public comment Commission meeting Groundfish regulation change

William Smith [REDACTED]

Sun 05/07/2023 04:46 PM

To: FGC <FGC@fgc.ca.gov>

public comment Commission meeting **May 16-17, 2023**

Groundfish regulation Changes

Ahoy there and greetings to Commissioners,

My name is William Smith. I own the Commercial Passenger Fishing Vessel "RIPTIDE" in Pillar Point Harbor, Half Moon Bay Ca. I have owned this vessel for 25 years and have worked exclusively out of Pillar Point Harbor since 1984 as either a hired captain or on my own vessel since that time.

Since the inception of the Groundfish Management Areas the vessels out of Pillar Point Harbor have been allowed to fish below the 37'11 line (Pigeon Point line) and then transit back through the closed "GMA" area back to our harbor. There was a regulation change that now prohibits the transit of nearshore stocks back above the 37' 11 line.

"Transit PROVISION: Groundfish species or species groups that are closed to take and/or possession in part of a groundfish management area may be possessed aboard a vessel in transit through the closed area with no fishing gear deployed in the water."



2023 NORTHERN Management Area Recreational Groundfish Regulations Summary^{1, 2}

Ocean waters between 42°00' N. latitude (CA-OR Border) and 40°10' N. latitude (near Cape Mendocino)



These regulations are subject to in-season change. It is the reader's responsibility to know and abide by all regulations in effect at the time of fishing activity. Check for [current regulations](#) prior to fishing.

Bold Red Text shows regulations that have changed for 2023.

- Certain areas within the management area may further prohibit or restrict fishing (e.g. [marine protected areas](#)).
- **TRANSIT PROVISION:** Groundfish species or species groups that are closed to take and/or possession in part of a groundfish management area (state and federal Marine Protected Areas, or other closure areas) may be possessed aboard a vessel in transit through the closed area with no fishing gear deployed in the water (§27.20(b)(1)(A)).

This rule change was just added. There was no public notice of this other than it being posted under **27.20 GROUNDFISH MANAGEMENT AREAS, SEASONS, DEPTHS, EXCEPTIONS, AND FISHERY CLOSURE/RULE CHANGE PROCESS DESCRIBED**

c) Closed Season: During any closed season in any **GMA**, it is unlawful to take **and/or** possess **all species of rockfish, lingcod, cabezon, and greenlings of the genus Hexagrammos** regardless of depth except as provided in subsections (b)(1)(A) through (b)(1)(D) above and sections 27.25 through 27.50 of these regulations

But yet

(b) GENERAL PROVISIONS

states

(A) Transit: The species **or species groups that are closed to take and/or possession in part of a GMA** may be possessed aboard a vessel in transit through a closed area with no fishing gear deployed in the water.

This NEW rule

27.35. SAN FRANCISCO GROUND FISH MANAGEMENT AREA.

(B) Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the San Francisco Groundfish Management Area.

This New change will not allow us to transit fish back through the GMA. Historically we have always had the ability to return to port with these fish. It is hard enough to get passengers on the boat and this will serve as a further blow to our decimated business

This change will severely affect my spring business which has been decimated by the closure of the salmon season. We cannot go up into the San Francisco Bay to prosecute other fisheries. The CPFV's of Pillar Point Harbor are being overlooked and we feel like we have been swept under the rug and ignored.

Our plight of survival is teetering on the edge of bankruptcy.

Please change this back So we can transit through the closed zone with these fish.

Thank you

Capt. William Smith

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Cc: jeanette vosburg

Thank you,
Patricia McPherson, Grassroots Coalition

BAY AREA REPORTER - 5/17/23 letter to editor - Non-native frogs & turtles

Thu 05/18/2023 06:13 PM

To: Wildlife DIRECTOR FGC <FGC@fgc.ca.gov>; Cornman, Ar

May 18, 2023

The letter below was sent to some 35 newspapers throughout the state.

With all due respect, this five-year "American Bullfrog and Non-native Turtles Stakeholder Engagement Project" has been, IMO, a colossal waste of time and effort, a cynical delaying action to a serious environmental problem with a simple and obvious solution. EASY FIX: STOP THE DAMNED IMPORT PERMITS! And enforce current laws. If Oregon and Washington can do the obvious, why not California, pray? As you know, the Fish & Game Commission TWICE voted unanimously to stop the permits, but have been consistently ignored by the Department.

After nearly 30 years of inaction by the powers-that-be, I have the sneaking suspicion that Gov. Newsom and his predecessors have instructed the Dept. of Fish and Wildlife, the Fish & Game Commission, Resources Dept. and the State Legislature to steer clear of this volatile issue for reasons political/racial/cultural/financial. Correct me if I'm wrong.

Any responses would be appreciated.

x
Eric Mills, coordinator
ACTION FOR ANIMALS
Oakland

----- Original Message -----

Subject: BAY AREA REPORTER - 5/17/23 letter to editor - Non-native frogs & turtles

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ebar.com%2Fstory.php%3Fch%3Dopinion%26sc%3Dletters%26id%3D325358&data=05%7C01%7Cfgc%40fgc.ca.gov%7Cb91e8d28f26d46491cb508db580648f8%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C1%7C638200556251658408%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C2000%7C%7C%7C&sdata=qYwS%2FxxAC5aFwvOvODpBH75Nw1pWeVKVZ23tM8AVG7I%3D&reserved=0>

Do you still call D 17 a premium hunt with a 13 percent kill rate, if so? Your crazy!!

Alton Parker [REDACTED]

Sat 05/20/2023 12:43 PM

To: FGC <FGC@fgc.ca.gov>

Sent from my iPhone

d 17, 13 percent kill rate, and you call it premium and take peoples money, what a sad state of affairs.

Alton Parker [REDACTED]

Sat 05/20/2023 01:58 PM

To: FGC <FGC@fgc.ca.gov>

Sent from my iPhone

**NON-NATIVE BULLFROGS - cover story, 5/20/23 EAST BAY TIMES & SAN JOSE
MERCURY NEWS - letters & comments needed!**

Sat 05/20/2023 02:43 PM

To: Wildlife DIRECTOR [REDACTED] FGC <FGC@fgc.ca.gov>;Cornman, Ar [REDACTED]
[REDACTED]

Saturday, May 20, 2023

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.mercurynews.com%2F2023%2F05%2F20%2Fthe-battle-over-bullfrogs-as-the-state-considers-restrictions%2F&data=05%7C01%7Cfgc%40fgc.ca.gov%7C2c8cd3b77dd1469f372508db597b453b%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C1%7C638202158210758773%7CUnknown%7CTWFpbGZs b3d8eyJWljo iMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=hh3re98O0rZTG8PXQb3z2L3AZwRcjRmUePUk%2BcU0Xvk%3D&reserved=0>

Letters require use of on-line form, 150 words max.

NOTE: A letter printed in the EAST BAY TIMES generally appears in the SAN MERCURY NEWS as well, and vice-versa.

EASY FIX: STOP THE DAMNED IMPORT PERMITS! Twenty-eight years and counting.... The CA Dept. of Fish & Wildlife (CDFW) annually issues permits for TWO MILLION American bullfrogs (commercially-raised), plus some 300,000 freshwater turtles (all taken from the wild, depleting local populations). NONE are native to California, and ALL are diseased and/or parasitized, though it is ILLEGAL to import and/or sell such products (California Code of Regulations Title 14, Section 236). Law enforcement has been nil. FOLLOW THE MONEY. Some serious lawsuits and legislation are long overdue.

The issues are at least five-fold: environmental harm, species extinction, risks to public health, horrendous animal cruelty, lack of law enforcement. And politics, of course.

x

Eric Mills, coordinator
ACTION FOR ANIMALS
Oakland

Opposed to Petition 2022-01

Tankerman2 [REDACTED]

Mon 05/29/2023 06:38 AM

To: FGC <FGC@fgc.ca.gov>

Greetings,

I am a 29-year resident of Benicia, CA, and am writing to express my opposition to Petition 2022-01 which seeks to restrict duck hunting in the Carquinez Strait and Southamptton Bay.

Even though I am not a duck hunter, I am in disagreement with those individuals who seek to restrict lawful hunting. I grew up on Long Island in New York and used to hear duck and deer hunting often. I was never scared and did not develop any stress due to the sound of gunshots from hunters as claimed in the petition.

Please record my opposition to this misguided petition when you consider any changes in your regulations.

Best regards,

Richard Smith
[REDACTED]
[REDACTED]

Petition No. 2022-01 to ban duck hunting along Benicia shoreline

Dan Schiada [REDACTED]

Sun 05/28/2023 07:57 PM

To: FGC <FGC@fgc.ca.gov>

I am a resident of Benicia and recently became aware that duck hunting is permitted along the Benicia shoreline. I request that the California Department of Fish and Game make duck hunting off-limits and prohibited along the shoreline within the City of Benicia. I'm very concerned about hunting (shooting) in the vicinity of residential neighborhoods and numerous recreational parks and related activities (swimming, boating, fishing, etc) along Benicia's shoreline. There is a very real potential for a serious accident to occur.

Please take action as soon as possible to address this dangerous situation.

Daniel Schiada
[REDACTED]
[REDACTED]

Support for Petition# 2022-01

Teri Piccolo [REDACTED]

Tue 05/30/2023 10:42 AM

To: FGC <FGC@fgc.ca.gov>

Hello,

On behalf of my husband and myself, I want to voice our support for the above petition submitted by the Benicia City Council which seeks to prohibit duck hunting near Benicia's South Hampton Bay and related Benicia waters. Benicia's charm and livability is due to its close proximity to the water and the tranquility and beauty, bird watching, etc. that it provides. Allowing duck hunting in those waters would absolutely spoil all of that and would present a risk to Benicia residents as well. The many Benicia residents shouldn't have to suffer for the pleasure of the few duck hunters. Luckily nearby there are many wild isolated marshes and water systems where those hunters can practice their sport without negative impacts on Benicia residents. Thank you for your consideration of these comments.

Teri Allen-Piccolo and Tracy Allen

[REDACTED]

[REDACTED]

Petition 2022-01

Michael Hayes [REDACTED]

Tue 05/30/2023 12:45 PM

To: FGC <FGC@fgc.ca.gov>

Regarding hunting off Benicia shoreline:

I am Benicia resident and support petition 2022-01 to restrict hunting off Benicia shoreline. Starting about 2020, hunters began hunting ducks off Benicia in Carquinez Strait. Prior to this it had been at least 50 years since hunting had occurred off the shoreline. During those 50 years Benicia population has more than doubled. I am asking for support for petition 2022-01 to ban hunting in Carquinez Strait between the Benicia Martinez Bridge and the Carquinez Bridge. Hunting impacts the boat clubs, kayakers, windsurfers, and especially the residents who do not wish to hear gunshots echoing across the water. THERE ARE PLENTY OF HUNTING CLUBS UP STREAM IN THE SUISUN BAY AND DELTA AS WELL AND DOWN THE STRAIT IN THE SAN PABLO BAY. Hunting off Benicia displays a lack of courtesy for the local residents.

Michael Hayes
Benicia resident
Vallejo native

Support Petition 2022-01- NO Duck Hunting in Benicia waters

Betty Lucas [REDACTED]

Tue 05/30/2023 02:19 PM

To: FGC <FGC@fgc.ca.gov>

Dear Fish and Wildlife,

Please support petition 2022-01, to ban duck hunting in Benicia. The first time duck hunting started in Benicia was during the pandemic in 2020, before that we were living in a quiet little town. Families live along the water, restaurants are along the water and over the last two years their quiet serene environment has been waking to gun shots, watching ducks fall. There are windsurfers, cayakers, Fishermen on the shoreline, kids playing along the beaches. This little town's shoreline is now unsafe with duck hunters in Benicia from morning till dusk in the winter. There are plenty of designated duck hunting areas not among residents and businesses. I know two couples who say they might have to sell their homes, because they have been awakened by gun shots. One saw a wounded duck suffering in the water in her front yard. Huge ships come through the bridges. If duck hunting in Benicia is not stopped, it could ruin real estate values, restaurant business on the water, the list goes on. You now have this email as evidence that residents are worried and in danger. It is just a matter of time before someone gets hurt. By supporting this petition, you will not only be acting responsibly to curtail any future duck hunting accident along the Benicia shoreline, you will save a beautiful little town, loved by Benicians.

Thank you for your consideration,

Betty Lucas

Concerned Benician Resident

--

Betty Lucas
[REDACTED]

Set Gillnet Report for Agenda Item 17 General Public Comment

Birch, Caitlynn [REDACTED]

Wed 05/31/2023 10:20 AM

To: FGC <FGC@fgc.ca.gov>; Ashcraft, Susan [REDACTED] Miller-Henson, Melissa [REDACTED]
[REDACTED]

Cc: Shester, Geoff [REDACTED] Scott Webb [REDACTED]

Good Morning,

Please include the attached Oceana/TIRN CA Set Gillnet report as a public comment for Agenda Item 17 for the June California Fish & Game Commission meeting. Thank you!

Caitlynn

Caitlynn Birch | Pacific Marine Scientist



99 Pacific Street, Suite 155C

Monterey, CA 93940

D 831.332.1757 | **O** 907.586.4050

cbirch@oceana.org | www.oceana.org

The background of the entire page is a vibrant underwater photograph of a kelp forest. A large, white and grey stingray is swimming towards the right in the lower half of the frame. The water is filled with numerous small, dark blue fish. Tall, yellowish-brown kelp stalks with long, thin blades rise from the bottom, creating a dense forest-like structure. The lighting is bright, suggesting a sunny day at the surface.

OCEANA

TURTLE ISLAND
RESTORATION NETWORK



FIGHTING FOR A BLUE-GREEN PLANET

THE NET CONSEQUENCE:

Impacts of Set Gillnets on
California Ocean Biodiversity

Contents

- 5 Executive Summary
- 6 An Ocean Ecosystem at Risk
- 10 California Set Gillnets in Context
- 12 The Problem: Bycatch in California Set Gillnets
- 14 Sharks and Rays at Risk
- 16 Marine Mammals at Risk
- 18 Management Gaps
- 20 Potential Management Solutions
- 22 References



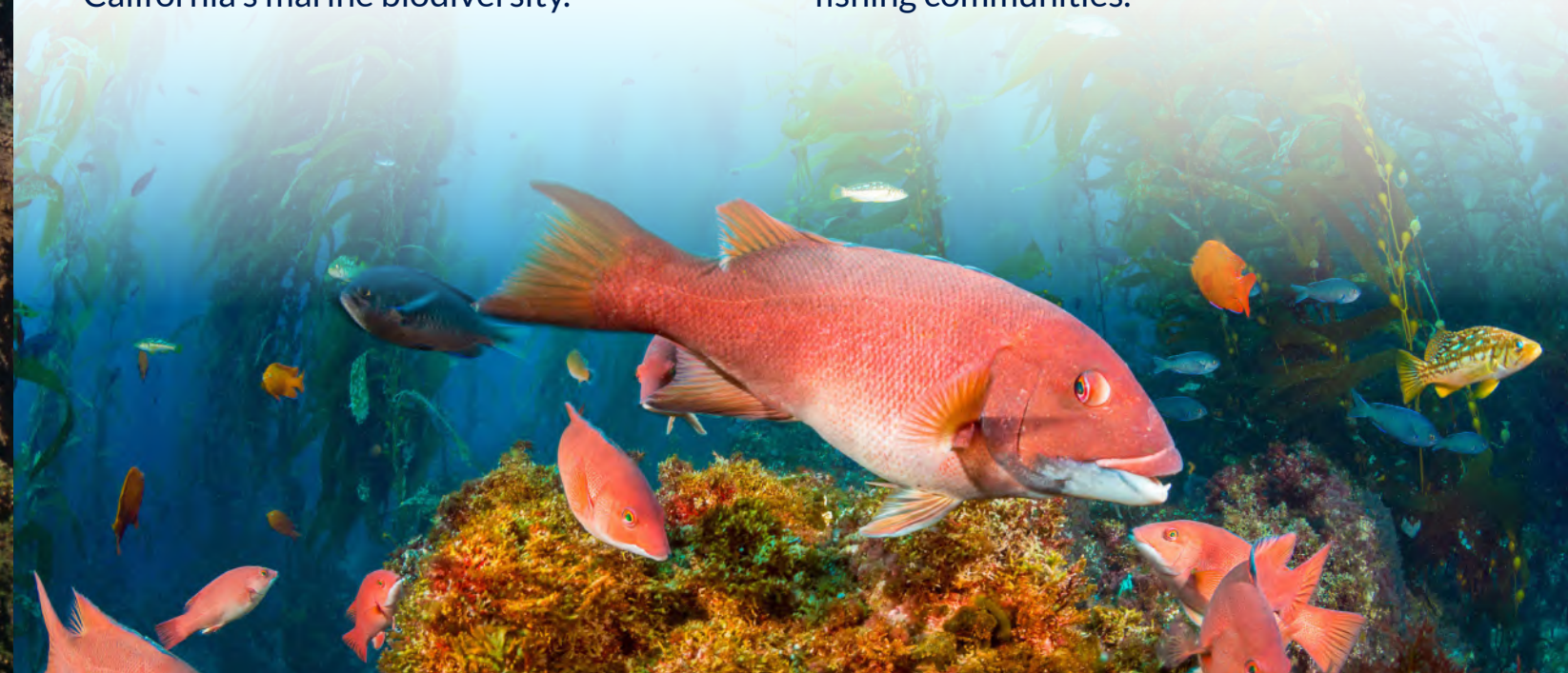
Photo, right: A female sheephead and other fish swim through a giant kelp forest off Santa Barbara Island. © David Fleetham, Alamy
Photo, top right: Humpback whale. © Shutterstock, Wildest Animal

Executive Summary

Despite nearshore bans on the use of set gillnet fishing gear, these nets designed for catching California halibut and white seabass are still used offshore and around islands in Southern California ocean waters causing immense damage to wildlife and threatening marine biodiversity.

Off the U.S. West Coast, Southern California's ocean waters are some of the most productive and diverse in the world. Marine mammals, sharks, rays, skates, fish, and seabirds that migrate, feed, and reproduce in the dynamic ocean waters of this region all share a common threat: the risk of becoming entangled in set gillnet fishing gear. These nearly invisible monofilament nets indiscriminately catch more than 125 species of ocean animals—the majority of which are thrown overboard already dead or dying—raising significant concerns over the fishery's impacts on California's marine biodiversity.

With glaring gaps in management oversight and little public visibility, set gillnets are still allowed in federal waters (3-200 miles) off Southern California and around nearshore islands. Management tools are available to reduce bycatch to sustainable levels and a more selective hook and line fishing method is already well-established. The California Fish and Game Commission that manages this fishery must address the needless waste set gillnets inflict on California's marine environment, to ensure that the unique ocean ecosystem off California can continue to thrive, while bolstering sustainable fishing communities.



An Ocean Ecosystem at Risk

Stretching from Point Conception to the U.S. Mexico border, the Southern California Bight is a globally important haven for biodiversity. The complex network of seamounts, ridges, canyons and banks extends more than 100 miles from the coast and is home to some of the richest and most diverse deep-sea corals on the U.S. West Coast.¹

The Channel Islands are sometimes referred to as the “Galapagos of North America.” Here, nutrient rich waters from the north converge with warm sub-tropical waters from the south, making the ocean region surrounding the Channel Islands among the most diverse and productive in the world. Wind-driven upwelling brings nutrient rich waters to the surface, sparking large blooms of microscopic plant-like organisms called phytoplankton.^{2,3}

These blooms support tiny krill, anchovy, herring and other forage species that in turn create the base of the food web for more than 150 species of breeding and migrating seabirds, 32 species of marine mammals, four different species of sea turtles, and more than 700 fish species.

The Southern California Bight boasts the largest density of dolphins on Earth,⁴ is an important migratory highway for whales,⁵ and one of the most important nursery grounds for sharks in the Pacific Ocean — including great white sharks, blue sharks, and mako sharks.

The Channel Islands are also home to giant kelp forests, which support more than 1,000 marine species beneath their canopies.⁶ Kelp forests are teeming with fish, sharks, invertebrates, and a variety of underwater algae species, providing food and protection within their understory. Many species of juvenile fish that support commercial and recreational fisheries rely upon kelp forests as their nursery habitats.

The numerous offshore banks and islands of the Southern California Bight also support world-renowned sportfishing opportunities for groundfish and migratory gamefish, maintaining a multibillion-dollar recreational fishing industry. Coveted sites like Cortes and Tanner banks have some of the best saltwater angling on earth. This area is also critical for California economies, supporting commercial fisheries for rockfish, black cod, California halibut, white seabass, and lobster, which all support coastal fishing markets, harbors, and marinas.

Marine mammals, sharks, rays, skates, fish, and seabirds that migrate, feed, and reproduce in the dynamic ocean waters off California all share a common threat: the risk of becoming entangled in set gillnet fishing gear used to target California halibut and white seabass. California set gillnets catch more than 125 species of ocean animals,⁷ raising conservation concerns for both threatened and endangered species as well as many other animals for which the population status is unknown.

In many respects, California is a global leader when it comes to ocean conservation. The state has one of the most extensive networks of marine protected areas in the country and furthered its conservation commitments at the 2022 United Nations Biodiversity Conference by pledging to be a world leader on conserving ocean biodiversity.⁸ Yet California continues to allow one of the dirtiest and most destructive fishing methods in the Southern California Bight, one of the world’s ecological treasures.

Southern California: A Haven For Marine Biodiversity

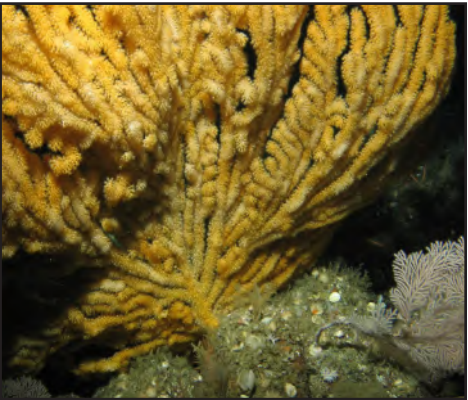
Off the coast of Southern California lies an ocean ecosystem teeming with life. Ancient shoreline terraces, rocky reefs, seamounts and deep-sea basins create complex and diverse seafloor habitat which supports abundant marine life. Shallow banks like (1) Tanner and (2) Cortes banks create important habitat which supports world renowned recreational sport fishing and scuba diving opportunities. The unique convergence of ocean currents here produces incredible ocean productivity. Cold polar water (3-California Current) from the north converges with warm subtropical waters (Southern California Countercurrent), generating a mixing zone of rotating water (4-Southern California Eddy). This mixing zone of nutrient-rich water supports abundant biodiversity of marine mammals, seabirds, sharks, fish, corals, and kelp forests, making the region one of the most productive ecosystems in the world.



Deep Sea Corals

The Southern California Bight boasts some of the most abundant and diverse deep sea coral and sponge communities off the North American West Coast. These communities serve as essential fish habitats for commercial and recreational fish species by providing shelter and nursery habitat and are hotspots for marine biodiversity.

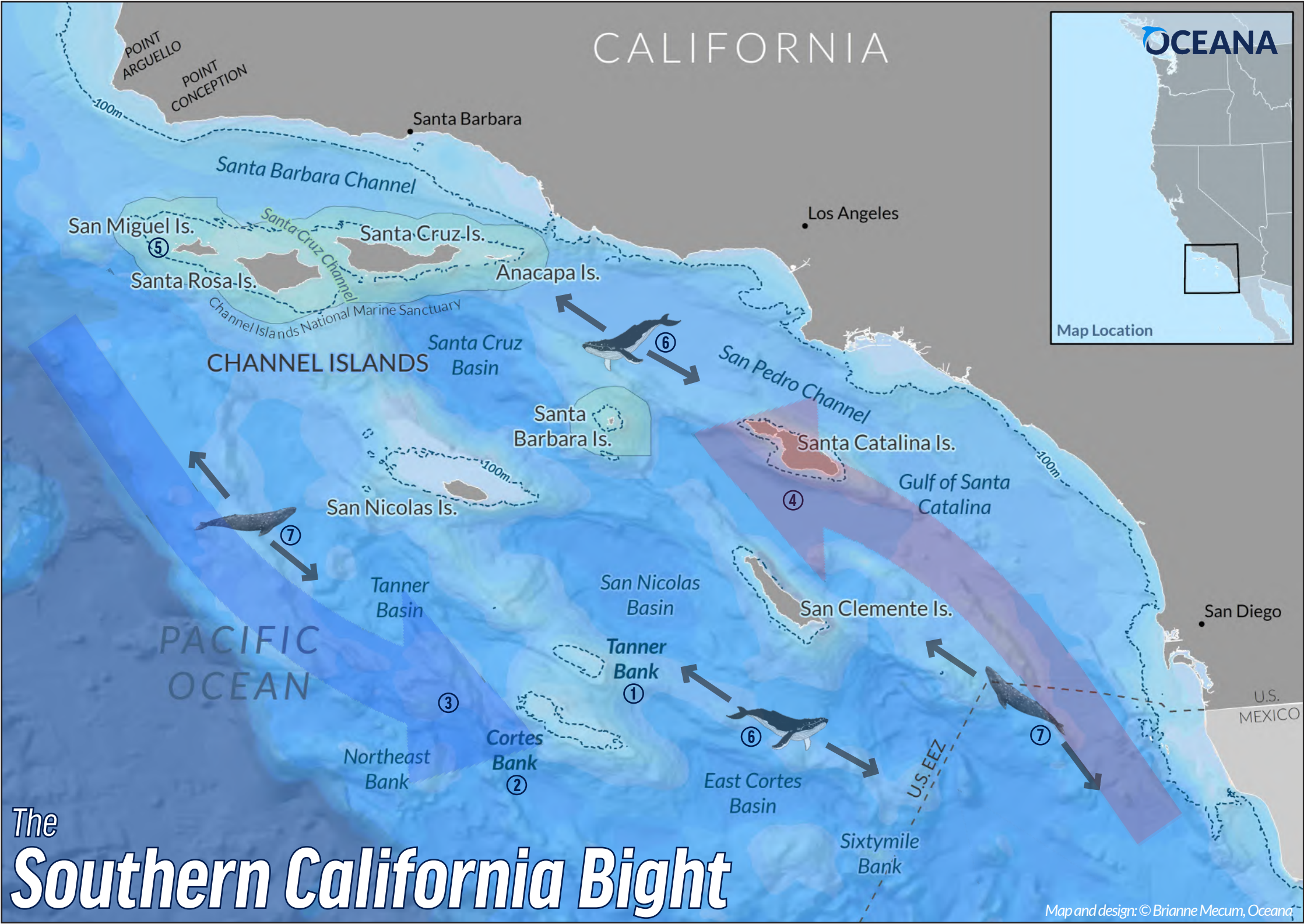
Photos: © Oceana



California Sea Lion

(5) San Miguel Island is home to one of the largest California sea lion rookeries in the U.S. Northern fur seals, harbor seals, and elephant seals also frequent the island. In the breeding and pupping season, more than 70,000 California sea lions can be found here.

Photo: © Nat'l Park Service



Whale Feeding and Migration Areas

Inshore and offshore areas of the Southern California Bight are an important feeding destination and (6) migration route for humpback whales that breed in Mexico and Central America. Gray whales swim through on their (7) migration from Mexico to the Arctic, the longest migration of any animal in the world.⁵

Photos: © Gray Whale Gin (above) © Tory Kallman, Shutterstock (below)



California Set Gillnets in Context

Many commercially targeted fish such as California halibut and white seabass can be caught with different types of fishing gear, yet the choice of fishing gear can have economic and ecological costs.

California set gillnets target California halibut and white seabass, yet the non-selective design of the nets entangles many other species — some are legal to keep and marketable, but the majority are not. Many non-target species are thrown overboard as waste. This bycatch includes marine mammals, seabirds, sharks and rays, invertebrates, and non-marketable fish.

Set gillnets catch and discard a variety of fish species important to recreational fishermen, including barred sandbass, giant seabass, lingcod, cabezon, and California barracuda.

The once iconic recreational and commercial giant seabass fishery has been closed for

decades due to population depletion, yet set gillnets remain the only commercial fishery still allowed to incidentally catch and sell giant seabass.⁹

In set gillnets, even the target species of California halibut is caught as bycatch. Twelve percent of California halibut are discarded as undersized or damaged.⁷ The observed mortality of discarded halibut is 40 percent, not accounting for fish that die after being thrown back.⁷

California Department of Fish and Wildlife (CDFW) population assessments indicate the California halibut population in Southern California may be declining due to high harvest rates and environmental impacts.¹⁰ California halibut is an economically important fish for several commercial fisheries in California, including bottom trawls and hook and line gear types. The last assessment for white seabass indicated the population has been in decline and is at relatively low levels — approximately 27 percent of unfished levels.¹¹

Hook and line fishing is a selective fishing method that has significantly less bycatch and typically yields higher prices for fish considered better quality seafood. From 2007-2022, halibut and white seabass caught with hook and line gear garnered approximately 30 percent more per pound compared to set gillnets.¹² In the current landscape of the state's California halibut fishery, there are ten times more hook and line vessels than set gillnet vessels (Figure 1), and set gillnets catch 15 percent of the state's California halibut by weight. In 2019, there were 29 active set gillnet fishing vessels in California.¹³

Bycatch rates in non-selective fishing gears, such as set gillnets, pose sustainability threats for wildlife and other recreational and commercial opportunities. These fishing methods must be responsibly managed to reduce bycatch to protect sensitive ecosystems and wildlife, and ensure the long-term sustainability of fisheries in California.

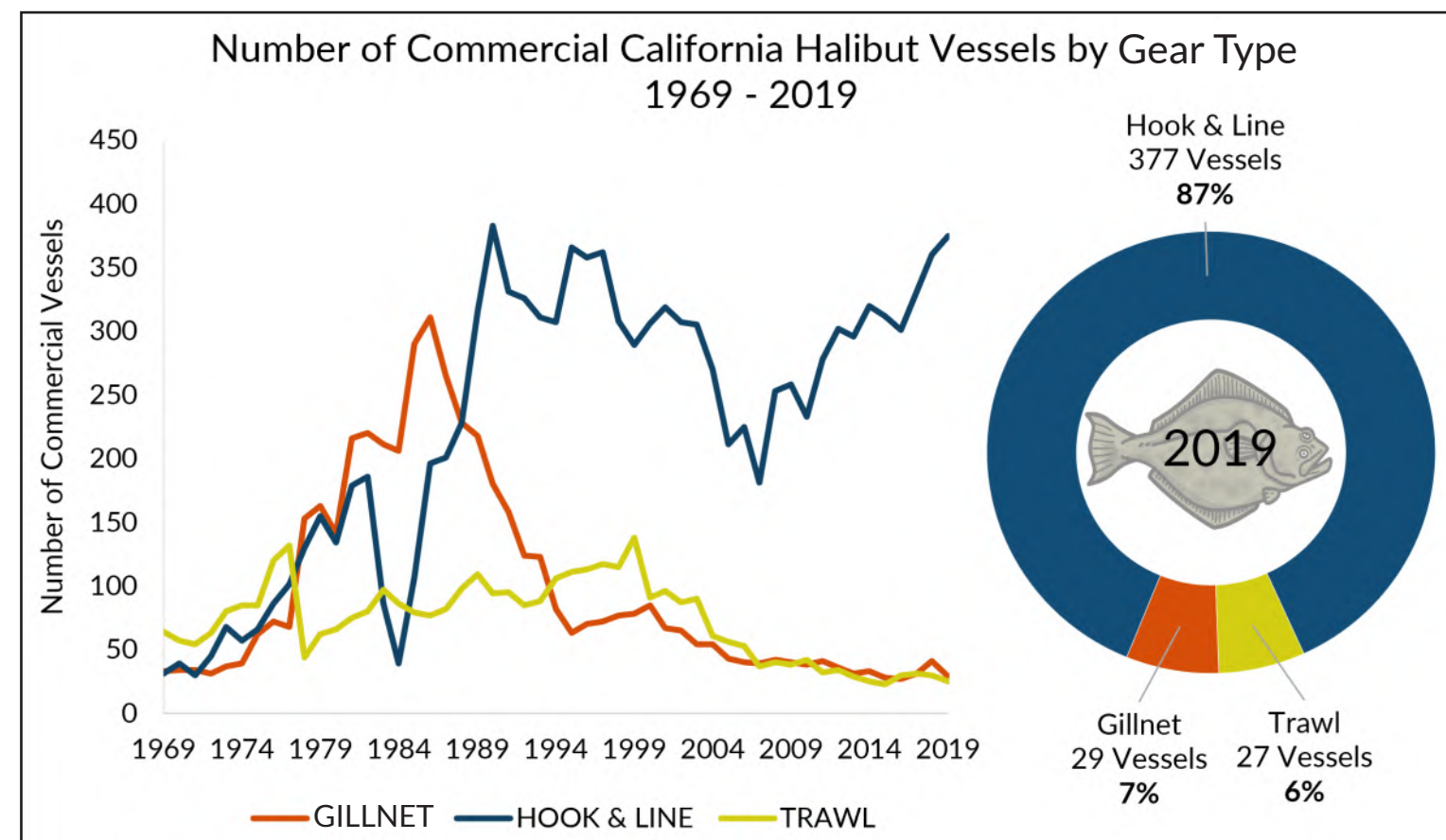


Figure 1. Commercial California Halibut Vessel Distribution by Gear type in 2019. Hook & Line vessels make up 87% of total vessels fishing for California halibut in 2019, while set gillnet vessels make up only 7%.



The Problem: Bycatch in California Set Gillnets

Set gillnets may be an efficient method of catching fish; however, the gear type is notorious for its high bycatch rates and impacts to wildlife. These nearly invisible monofilament net panels – like underwater fencing – can be up to thirteen feet tall and extend for more than a mile.¹⁴ The six-to-eight-inch mesh nets are weighted to the seafloor and designed to trap halibut, white sea bass, and other marketable commercial fish by their gills; however, the nets also entangle many other ocean animals.

Studies evaluating set gillnets have concluded that this gear has among the greatest impacts on marine ecosystems and at-risk species.^{15,16,17,18} Set gillnets are routinely set and left alone to fish and remain underwater anywhere from seven to 50 hours.¹⁹ While these nets are “soaking” underwater, marine animals swimming or diving in the area can become entangled.

Once the nets are retrieved, legal and marketable catch is kept, such as California halibut and white seabass for which the mesh netting is designed, as well as barracuda, yellowtail, leopard shark, and others. The rest is thrown back to sea.

According to federal fishery observers and entanglement reports, more than 125 species of ocean animals are caught including ecologically important sharks and rays, sea lions, dolphins, endangered sea turtles and whales, and seabirds.^{5,7,20,21,22,23} Set gillnets have some of the highest discard rates in the country, throwing overboard as waste 64 percent of all animals caught. Fifty-five percent of discarded animals are already dead,⁷ and the number of animals discarded alive that then die after being tossed overboard could be significant but is not known or quantified. Ultimately, nearly two out of three animals caught are thrown overboard, the majority already dead.⁷

Set gillnets have some of the highest discard rates in the country, throwing overboard sixty-four percent of all animals caught.

Entangled marine mammals that require air to breathe drown when they are unable to surface, and sharks, rays, skates, and finfish suffer similar fates when they are not able to swim and pass oxygen over their gills. Large animals such as sea lions and whales may escape with the gillnets still entangled around their necks, mouths, flukes, and fins.

Over the last 15 years conservative estimates indicate more than 230,000 animals in total have been discarded in the fishery;^{7,24} however, using commercial fish landings data to estimate total catch, the number of discarded animals could be as high as two million.²⁵ Due to the lack of consistent tracking methods by state and federal managers, the magnitude of catch and dead discarded bycatch is unknown.

Most of the discarded species do not have population assessments or management safeguards like catch limits, catch seasons, or size limits to ensure sustainability. Out of 97 finfish, shark, ray, and skate species caught in the fishery, 68 have no population assessment and have unknown population levels. Furthermore, 56 of these species are not managed in state or federal Fishery Management Plans, standard management tools used to manage for sustainability and prevent overfishing and species depletion. This raises significant concerns over the fishery’s impacts on California’s marine ecosystem, and is particularly concerning for many species of sharks, rays, and skates – species which tend to grow slowly, have few young, and play an important role in a healthy ocean ecosystem.

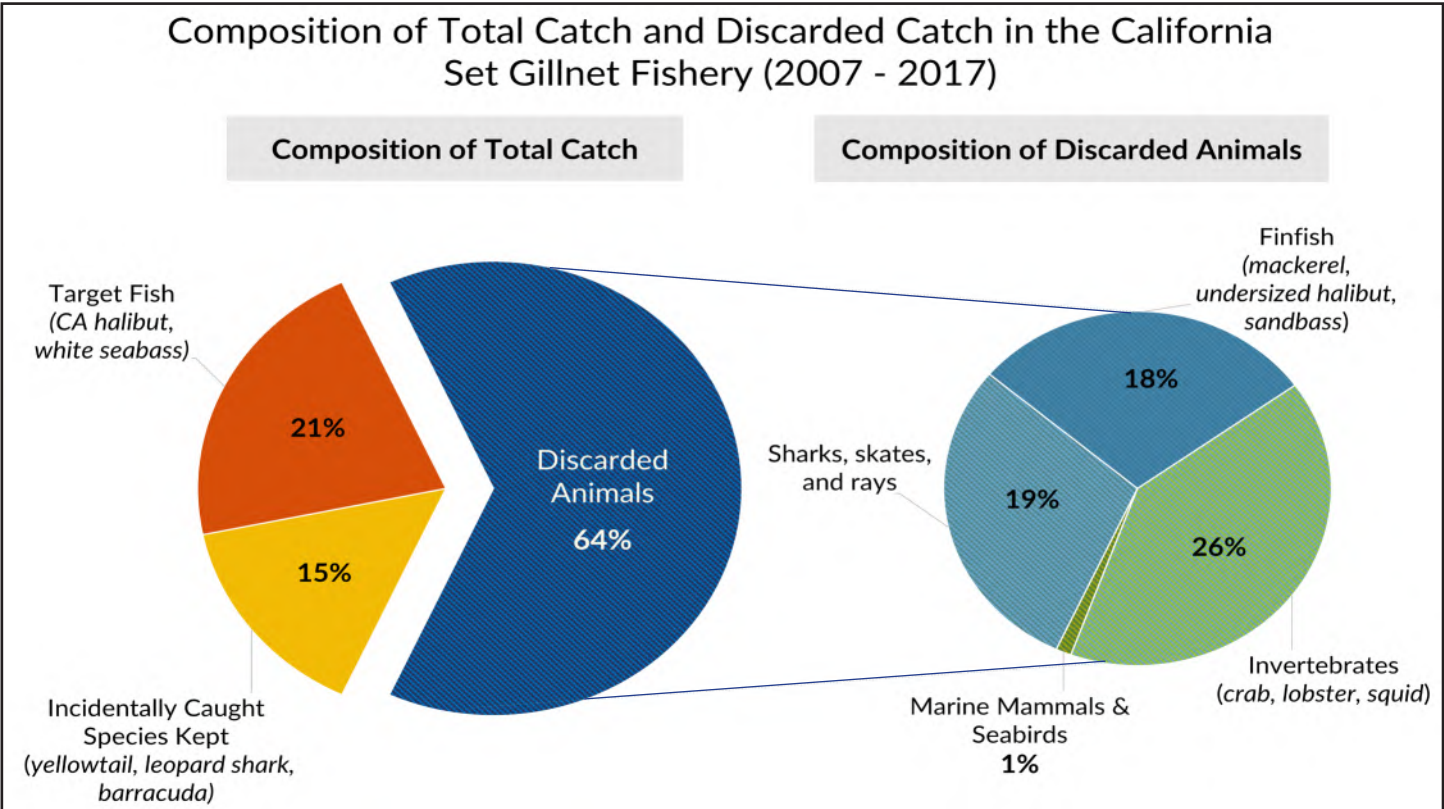


Figure 2. Composition of total animals caught and discarded in the California set gillnet fishery based on federal observer data 2007 – 2017.⁷ Observer data is reported in number of animals caught, kept, discarded, and discarded mortality.

Sharks and Rays at Risk

Sharks, skates, and rays — collectively known as elasmobranchs — are important components of marine ecosystems and are particularly vulnerable to the pressures of overfishing. Set gillnets entangle more than 28 different species of elasmobranchs.



Sharks, skates, and rays are integral to maintaining a healthy marine ecosystem. As apex predators, sharks feed on animals below them in the food chain — a mechanism called predator top-down control — regulating and maintaining the balance of marine ecosystems. They help remove weak and sick animals in the ecosystem as well as provide balance between competitors to ensure species diversity. As predators, they also shift their prey's spatial habitat, which alters the feeding strategy and diets of other species.

Through these spatial controls and abundance, sharks indirectly maintain seagrass and corals, critically important habitat for many marine species.²⁶ The skeleton of elasmobranchs consists of cartilage, not bone, which means they are easily bruised and injured, and are particularly vulnerable to overfishing due to their low reproductive rates and high age of maturity. The loss of sharks has led to the decline in coral reefs, seagrass beds, and the loss of commercial fisheries.

Decades of ecological research have demonstrated that shifts in predator abundance, such as declines of shark populations, can have cascading consequences for the structure, function, and resilience of marine ecosystems.²⁷ Declines in predator populations caused by overfishing may have sweeping consequences for the broader ocean ecosystem of the Southern California Bight.

Nearly three out of every four sharks, rays, and skates caught are tossed overboard in the set gillnet fishery and we estimate a minimum of 62,000 sharks alone have been tossed overboard by the fishery within the last 15 years.^{7,24} The Southern California Bight is a critical nursery area for many species of sharks — including great white sharks, thresher sharks, and tope sharks.^{28,29,30,31,32} Of the 27 elasmobranch species caught in the set gillnet fishery, 21 of them have no population assessment and health of the populations is unknown. Of the handful of species that are assessed, some are in serious trouble.

Tope Sharks

Tope sharks, also known as soupfin sharks because of their highly sought after fins used in sharkfin soup, are a candidate species for Endangered Species Act (ESA) listing as of 2022.³³ Minimum estimates indicate more than 1,700 tope sharks have been discarded from 2007–2021 in the set gillnet fishery and more than half of those thrown overboard were already dead.^{7,24} The overall status of California's tope shark population is unknown and has not been evaluated in more than 70 years, though all available data points to a population struggling to recover from being targeted in both the shark fin trade and historic vitamin-A fishery of the mid-1900s.³⁴

Juvenile Great White Sharks

Waters off southern California where the set net fishery operates serve as a critical nursery for young white sharks.^{19,35} Set gillnets are the largest threat to juvenile great white sharks off the West Coast. These nets are responsible for more than 90 percent of the juvenile great white sharks caught and discarded in California fisheries, estimated by the National Marine Fisheries Service (NMFS) to be 25 white sharks per year.³⁶ Each adult female typically produces a single white shark pup every two years, and the pups have high rates of natural mortality.³⁷

Despite indications that the Northeast Pacific population of white sharks has increased in recent years,³⁸ the number of sub-adult and adult white sharks off California are estimated to be in the hundreds.³⁹ While the take of white sharks is prohibited in most other fisheries, state law allows set gillnet fishery to incidentally catch and land white sharks with no limits in place.

Bat Rays

Bat rays are the most discarded of all rays caught in set gillnets. We estimate that at least 7,400 bat rays were tossed overboard from 2007 to 2021.^{7,24} Aptly named, the bat ray glides gracefully by flapping its bat-like wings over sandy-bottomed bays and through the kelp forests it calls home. Several bays and wetland areas along the California coast are essential nurseries and feeding areas for these rays.



Marine Mammals at Risk

In addition to the bycatch of sharks and rays, California set gillnets are also capable of entangling other marine wildlife such as humpback whales, gray whales and California sea lions.



Humpback and Gray Whales

California set gillnets are a threat to gray and humpback whales that swim, feed, and migrate with their new babies in waters off California. Of the three populations of humpback whales that migrate through California waters, one is federally endangered and one is threatened. Entangled whales can continue to swim, dragging the fishing gear with them. Over time the gear slowly weighs whales down and can lead to death months later from infection or starvation.

From documented reports, unidentified gillnets have entangled 35 whales from 2000-2022, including 1 unidentified whale, 12 humpback whales and 22 gray whales.²⁰ In contrast to trap fisheries for crab and lobster, fishery managers do not require distinguishing gear marking on gillnets, so the fishery of origin involved in these gillnet entanglements remains unidentified.



California sea lions

Set gillnets kill more California sea lions annually than all other observed West Coast fisheries combined.³⁹ Sea lions are attracted to the many fish entangled in the nets and can become entangled themselves. Once entangled, sea lions can drown on site or break away with netting wrapped around their necks or flippers, which can lead to soft tissue injury and death from infections and trauma if the net is not removed.

The Pacific Marine Mammal Center, a marine mammal rehabilitation and marine veterinary center located in Southern California, reports the majority of the entanglement events they respond to are California sea lions entangled in 8-inch pink monofilament netting, which are often used for California set gillnets..

A California sea lion suffers from monofilament net wrapped around its neck, the same type of mesh netting used in the California set gillnet fishery.

© Roxy Grant



Photo, top left: Humpback whale mother and calf. © Ed Lyman, NOAA

Photo, left: Gray whale calf. © Robert Harding, Alamy

Photo, top right: California sea lions. © Robert Schwemmer, NOAA

Management Gaps

Currently managed by the California Fish and Game Commission, the California set gillnet fishery has a prolonged history of needing management measures to reduce deadly impacts to wildlife.

After southern California sport fishermen noticed major declines in fish populations in the 1980's, fishermen, environmental organizations, and elected officials worked together to address wildlife impacts caused by set gillnets.

In a major victory for anglers and the marine ecosystem, California voters passed Proposition 132 in 1990 which prohibited the use of set gillnets within state waters off Southern California (0-3 nautical miles) with exceptions that allowed fishing within one nautical mile of the Channel Islands.

In the late 1990s, scientists discovered set gillnets were also killing an alarming number of federally protected marine mammals and seabirds. In response, the California Fish and Game Commission banned the use of these nets off the Central Coast in 2002.

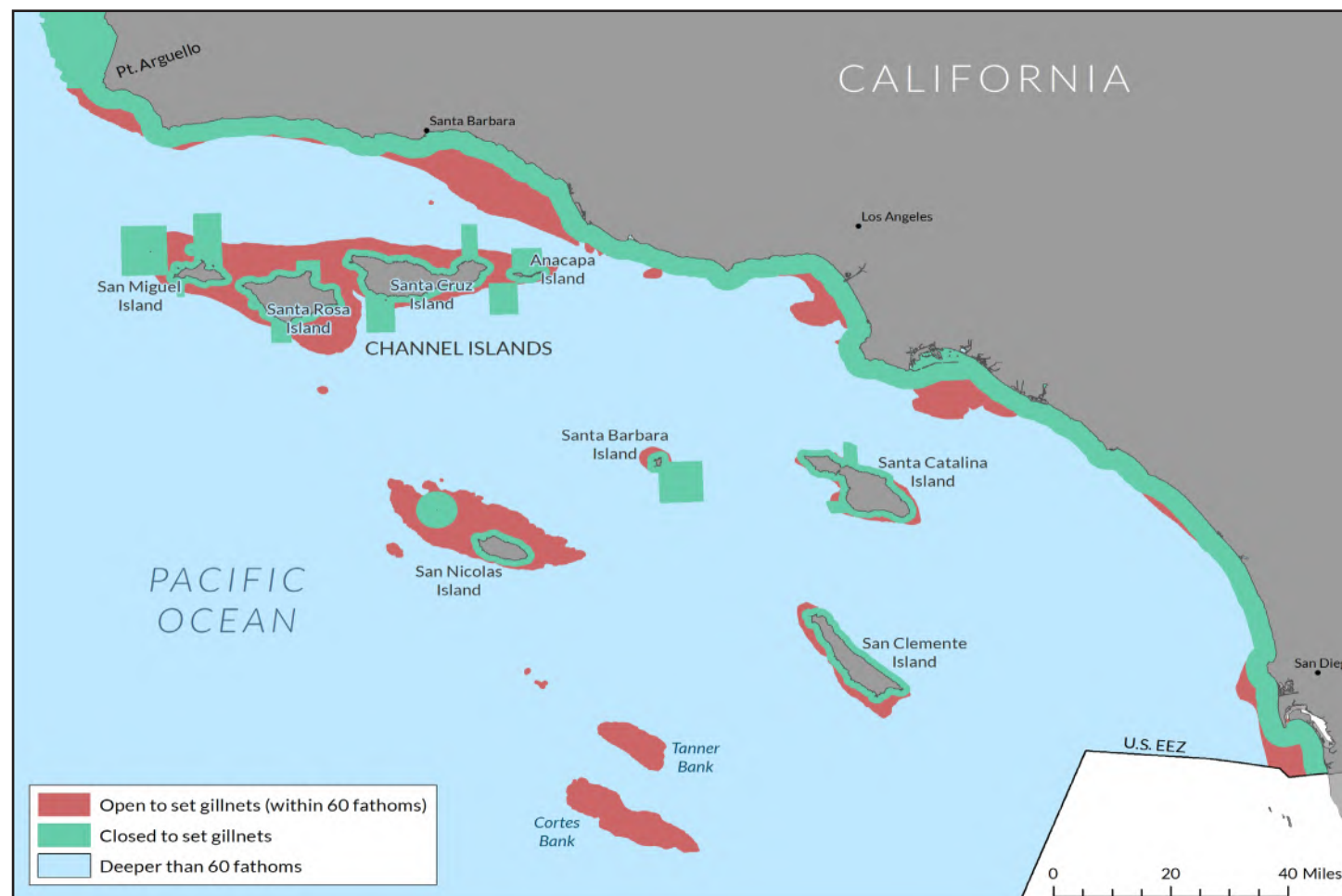


Figure 3. In the above map, areas in red are open to the set gillnet fishery. Areas in green are where the fishery is banned. The remaining area in blue is technically open to the fishery, though most effort occurs within 60 fathoms (360 feet) depth.

In areas where set gillnets have been banned, regional populations of vulnerable species have been able to recover towards healthy population levels. Scientists have documented the dramatic recovery of harbor porpoise, giant seabass, leopard shark, and tope shark populations that were depleted prior to the ban on set gillnets in California state waters.^{40,41}

Due to the complexities of these various management actions most Californians are unaware that set gillnets are still being used offshore in Southern California federal waters (3-200 miles from shore) and in state waters beyond one mile from islands, causing immense damage to wildlife.

Of the 45 state-managed fisheries analyzed in 2017 by CDFW, set gillnets rose to the top of the priority list in the state's Ecological Risk Assessment. This Assessment identifies fisheries that pose the most risk to species and ecosystems, and should therefore be a priority for managers and management resources.



A gray whale with a gillnet wrapped around its fluke.
© NOAA, MMHSRP Permit # 18766-06

Fisheries that regularly kill marine mammals are required to have federal fishery observers onboard to monitor and document marine mammal catch under the Marine Mammal Protection Act. Despite this legal mandate, the set gillnet fishery has operated with no observers during nine of the last 15 years. In the six years the fishery was observed, NMFS only observed 12.5 percent of fishing effort.⁷ This is despite NMFS' own scientists recommending at least 20 percent year-round observer coverage more than a decade ago.⁴² Without adequate observer coverage the true toll on wildlife is unknown.

The California Fish and Game Commission must implement measures to reduce bycatch to "acceptable types and amounts" under California's Marine Life Management Act.⁴³ The determination of what is and isn't "acceptable" represents a legal threshold in state law to initiate a process to address unacceptable bycatch through conservation and management measures.



Gillnet cut off gray whale.
© SeaWorld San Diego, NOAA Permit #18786-06

Potential Management Solutions

Below are a variety of management approaches used across other U.S. fisheries to reduce bycatch. These approaches represent a suite of potential management options that could be applied to the California halibut and white seabass set gillnet fishery.



Time and Area Closures

Time and area closures prohibit fishing with certain gear types in specific areas and/or seasons to protect vulnerable or endangered species.

Hard Caps on Bycatch

Hard caps put limits on the number of a certain species that can be caught as bycatch and generally require ceasing fishing activity in an area for a pre-determined period once a hard cap is reached or exceeded.

Decreased soak times

Limiting the duration of time that set gillnets can be in the water — referred to as the soak time — can reduce the associated injury and mortality for animals.¹⁹

Fishing gear transition program

Transition programs can be established whereby fishermen receive financial compensation and/or priority access to permits for use of cleaner fishing gear. The programs can also be accompanied by limiting transferability of permits and/or a mandatory phase-out of permits for use of the higher bycatch gear type.

Bycatch Monitoring and Gear Marking

To accurately detect the entanglement of rare or endangered species such as sea turtles or whales, 100 percent monitoring and bycatch reporting is required⁴⁴ along with easily identifiable gear marking. For endangered species with extremely low population sizes — such as the leatherback sea turtle — current observer coverage of the set gillnet fishery is insufficient.



The tools are available to reduce bycatch in California's set gillnet fishery. The California Fish and Game Commission is required under state law to find solutions to minimize bycatch, ensuring the unique ocean ecosystem off California can continue to thrive and support vibrant and sustainable fishing communities.

Pacific leatherback sea turtles were documented entangled in set gillnets prior to the nearshore ban off central California.²³ Current observer coverage of the fishery is insufficient to evaluate its impacts on endangered species such as the leatherback. Scientists warn that just one leatherback death per year along the West Coast will impact the recovery of the species.⁴⁵

Photo: © Doug Perrine, Alamy

Photo, above: Gray whale fluke. © NOAA

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oceana.org/keepcaooceansthiving
seaturtles.org/set-gillnets



OCEANA

-----Original Message-----

From: Wildlife Tribal Liaison [REDACTED]
Sent: Wednesday, April 26, 2023 8:52 AM
To: Miller-Henson, Meliss [REDACTED] Wildlife Tribal Liaison
[REDACTED]
Cc: Wildlife DIRECTOR [REDACTED] Dibble, Cha [REDACTED]
[REDACTED] Bjerke, Je [REDACTED]
Subject: RE: Western Joshua Tree Status Review

Please see attached the complete Chemehuevi Resolution related to Joshua Tree.

Sarah Fonseca
Department Tribal Liaison
[REDACTED]
[REDACTED]

-----Original Message-----

From: Wildlife Tribal Liaison [REDACTED]
Sent: Tuesday, February 14, 2023 3:23 PM
To: Dibble, Cha [REDACTED] Miller-Henson, Meliss [REDACTED]
[REDACTED] Bjerke, Je [REDACTED]
Cc: Wildlife DIRECTOR [REDACTED]
Subject: FW: Western Joshua Tree Status Review

Good Afternoon All,

Attached is a letter received from the Chemehuevi Indian Tribe regarding Western Joshua Tree to the DFW Tribal Liaison account.

Please share with the appropriate staff.

Best,
sarah

Sarah Fonseca
Tribal Cultural Resource Specialist

[REDACTED]

[REDACTED]



Chemehuevi Indian Tribe

P. O. BOX 1976 • HAVASU LAKE, CA 92363 • (760) 858-4219 • FAX: (760) 858-5400

RESOLUTION NO. 23-02-09-A

A RESOLUTION OF THE TRIBAL COUNCIL OF THE CHEMEHUEVI INDIAN TRIBE REQUESTING THE CALIFORNIA FISH AND GAME COMMISSION TO PROTECT THE WESTERN JOSHUA TREE UNDER THE CALIFORNIA ENDANGERED SPECIES ACT, CAL. FISH & GAME CODE § 2075.5.

WHEREAS, the Chemehuevi Indian Tribe ("Tribe") is a federally recognized Indian Tribe, organized under the provisions of the Indian Reorganization Act, 25 U.S.C. § 5123 ("IRA"), that is recognized by the United States Department of the Interior as maintaining a government-to-government relationship with the United States; and

WHEREAS, the Tribe, pursuant to the IRA, has adopted a written constitution ("Constitution"), which has been approved by the U.S. Secretary of the Interior ("Secretary") and which vests in the Chemehuevi Tribal Council ("Council") the authority to govern the Tribe; and

WHEREAS, the Council is committed to the protection of cultural and biological resources important to the Tribe; and

WHEREAS, the western Joshua tree (*Yucca brevifolia*) is a keystone species of the California Desert, maintaining essential ecological relationships with, and habitat for, numerous other species of plants and animals in the region; and

WHEREAS, western Joshua trees are deeply valued by the Tribe for their own sake as a species, as well as for their ecological and cultural significance to the Tribe; and

WHEREAS, western Joshua trees are increasingly threatened by habitat loss from development, as well as by wildfire, drought and climate change; and

WHEREAS, absent increased protection from the state and federal governments, western Joshua trees will likely disappear from most or all of their range in California by the end of the century; and

WHEREAS, in September 2020, the California Fish and Game Commission ("Commission") voted to protect the western Joshua tree on an interim basis as a Candidate Species, providing the species with much-needed, but only temporary, protections; and

WHEREAS, in June 2022, and again in October 2022, the Commission delayed a vote on whether to afford the western Joshua tree more permanent protections as a Threatened Species, in

each case continuing the vote in order to seek further input from Tribal governments; and

WHEREAS, the Commission is scheduled to vote on whether or not to protect the western Joshua tree as a Threatened Species at its meeting in February 2023;

WHEREAS, the Council believes that listing the western Joshua tree as a Threatened Species is consistent with the best available science and that such protection would significantly benefit the species and the interests of the Tribe;

NOW, THEREFORE, BE IT RESOLVED, the Council hereby formally requests the California Fish and Game Commission vote to protect the western Joshua tree as a Threatened Species; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Council hereby formally requests the Commission and the California Department of Fish and Wildlife provide the Tribe an opportunity to comment upon, and if requested, engage in government-to-government consultations, regarding any decisions made by the agencies that would impact the western Joshua tree and its habitat, including the development of any conservation, recovery or other management plan for the species.

CERTIFICATION


The foregoing Resolution was adopted by a phone poll of the Chemehuevi Tribal Council on February 9, 2023 by voice vote recorded below:

AYES: 8
NOES: 0
ABSTAIN: 0
ABSENT: 1



GLENN LODGE, CHAIRMAN

ATTESTED:



SHERIDAN SILVERSMITH, SECRETARY-TREASURER